

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37396 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- NAWANAGAR District- Buxar

1. NAVEEN KUMAR Son of Dharmpal Yadav Resident of village -
Nayansarana, P.S. - Nimrana, Distt. - Alwar, Rajasthan
2. Vijay Kumar Son of Baldev Singh Resident of village - Mundawar, P.S. -
Mundawar, Distt. - Alwar, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Nawanagar (Sonbarsha) P.S. Case No. 18 of 2022 registered for the offences punishable under Sections 467, 468, 471, 120(a) of the I.P.C. and under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 858.720 litre illicit liquor from the pick-up container in question and apprehended co-accused Prakash Yadav disclosed that the alleged recovery belongs to the petitioners and they were not apprehended on spot.



Learned counsel for the petitioners submits that petitioners are in custody since 16.04.2023. Petitioner no. 1 bears no criminal antecedent and petitioner no. 2 bears one criminal antecedent of similar nature in which he is on bail. Petitioners are quite innocent and they have committed no offence as alleged against them in FIR and they have falsely been implicated in the present case. Petitioners were neither apprehended from the spot nor any incriminating article has been recovered from the their possession. There is no compliance of Section 100 of Cr.P.C..

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, petitioners are not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner no.1, Naveen Kumar who bears no criminal antecedent, be released on bail and petitioner no.2, Vijay Kumar who bears one criminal antecedent of similar nature be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise II, Buxar in connection with Nawanagar (Sonbarsha)
P.S. Case No. 18 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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