

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47312 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. SONU KUMAR S/O ARJUN SAH R/O Village- Rupnarayan Bela, P.S-
Karanpuri, Distt. Samastipur.
2. Deepak Kumar S/O Sahdeo Sah R/O Village- Rupnarayan Bela, P.S-
Karanpuri, Distt. Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since
12.06.2023, in connection with Kuchaikote P.S. Case No. 276 of
2023, F.I.R. dated 09.06.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. The case relates to recovery of 442.740 litres of
foreign liquor.

4. Learned counsel for the petitioners submits that
the petitioners have clean antecedents and they have been falsely
implicated in the present case. He further submits that from a
bare perusal of the F.I.R. as well as seizure list it appears that



nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from a pick-up van in question and the name of the petitioner has come on the basis of disclosure made by co-accused person namely Aman Kumar and except the disclosure made by co-accused no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioners are in custody since 12.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail 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 Additional District & Sessions Judge IV cum Exclusive Special Excise Court No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 276 of 2023, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.



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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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