

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62686 of 2023

Arising Out of PS. Case No.-1043 Year-2023 Thana- JAMUI District- Jamui

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1. RAVI KUMAR S/O LATE ALAKHDEO RAJVANSHI VILLAGE-HARNA BELA, PS- THALI, DIST- NAWADA
 2. RAMAVTAR RAJVANSI SON OF LATE JANKI RAJVANSHI VILLAGE-HAJRATPUR, PS- NARHAT, DIST- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mrs.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jamui Prohibition P.S. Case No. JAM 1043/23 of 2023 dated 21.07.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise (Amendment) Act, 2018.

3. As per prosecution case, during course of vehicle checking Excise police intercepted the vehicle in question from which 648 litre illicit foreign liquor was recovered and petitioners apprehended on the spot.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners are in custody since 22.07.2023 and bear no criminal antecedent. He further submits that petitioner no. 1 is driver and petitioner no. 2. is co-driver of the vehicle in question. Petitioners have no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioners have to follow the instruction of the owner to earn the livelihood. He further submits that nothing has been recovered from conscious possession of the petitioners. Petitioners have nothing to do with the alleged recovery. Learned counsel orally submits that vehicle in question belongs to one Dipak Kumar Mahto.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners but fairly conceded to the submission of learned counsel for the petitioner that in para 29 of the case diary it has been mentioned that Dipak Kumar Mahto is the owner of vehicle in question.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Exclusive Special Judge, Excise-II, Jamui in connection with Jamui Prohibition P.S. Case No. JAM 1043/23 of 2023 dated 21.07.2023, 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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