

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65886 of 2023

Arising Out of PS. Case No.-362 Year-2023 Thana- KATEYA District- Gopalganj

1. Beyas Kumar S/o Ram Pravesh Singh R/o Village- Teen Bhediya Kala, P.S- Barhariya, District- Siwan.
2. Karan Kumar S/o Dudhnath Manjhi R/o Village- Aakhopur, P.S- Mahadeva O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-10-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Kateya P.S. Case no. 362 of 2023, registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant states that the accused persons on being signalled to stop did not stop their vehicle and made an attempt to escape. They were chased and caught. A total of 594.18 litres of liquor was recovered.

4. It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the petitioners' possession. They have been falsely implicated in the case. They have no concern with the seized liquor nor with the



vehicle in question. The driver of the vehicle, co-accused namely Bhim Singh, has been enlarged on bail vide order dated 17.10.2023 passed in Cr. Misc. no. 65677 of 2023. The petitioners are in custody since 7.8.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the petitioner no.2 having an antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no.2, namely Karan Kumar, on bail and the application is rejected.

7. Liberty is granted to petitioner no.2, namely Karan Kumar, to renew his prayer for bail after framing of charge or on completing one year in custody, whichever is earlier.

8. In the facts and circumstances of the case, especially the petitioner no.1 not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016, his being in custody since 7.8.2023 and grant of bail to the above mentioned co-accused, the driver of the vehicle namely Bhim Singh, the petitioner no.1 namely Beyas Kumar is directed to be enlarged on bail in connection with Kateya P.S. Case no. 362 of 2023 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj.

(Partha Sarthy, J)

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