

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73055 of 2023**

Arising Out of PS. Case No.-434 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. AASHU @ PRADHAN SON OF AZAD SINGH R/O VILLAGE- GHARWAL, P.S.- BARODA, DISTRICT- SONIPAT (HARYANA)
2. ANIL @ SONU SON OF SAMSHER SINGH R/O VILLAGE- TEWADI, P.S.- GANOUR, DISTRICT- SONIPAT (HARYANA)
3. MONU KUMAR SON OF SURENDRA KUMAR R/O VILLAGE- VIKASH COLONY RAWAT ROAD KARNAL, P.S. SECTOR 32 DISTRICT- KARNAL (HARIYANA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      22-11-2023      Heard the parties.

2. The petitioners are in judicial custody in connection with Kuchaikote (Kuchaikat) P.S. Case No. 434 of 2023 for the offence punishable under Sections 420, 467, 468, 34 of the IPC and 30(a) of Bihar Prohibition and Excise Act lodged on 20.08.2023 by the informant, Kaphil Ahmad.

3. As per the prosecution story, the police intercepted the Maruti Breza and Maruti Swift and recovered/seized 414 liters of foreign liquor from the first car as also 380 .160 liters of foreign liquor from the second car. While the petitioner no.1 was sitting in the Maruti Breza, the petitioner nos. 2 and 3 were



sitting in the Maruti Swift. They were taken into custody.

4. Learned counsel for the petitioners submit that they are Drivers and co-Drivers and had no knowledge about the presence of the materials. Nothing has been recovered from their conscious possession and they have already suffered by being in custody since 22.8.2023 (para-16 of the petition)

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the recovery is not from their conscious possession and they are in custody since 22.8.2023, FIR lodged and will be ultimately facing the trial, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-IV cum Exclusive Spl. Judge Excise Court No. II, Gopalganj, in connection with Kuchaikote (Kuchaikat) P.S. Case No. 434 of 2023 subject to the following conditions:

- (i) one of the bailor should be the Native of Bihar who shall provide official document to show his/her bona fide;
- (ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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