

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73605 of 2023

Arising Out of PS. Case No.-459 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. LAVKESH KUMAR SON OF HARDEO YADAV @ BADAD RAY
RESIDENT OF VILLAGE- DEPAU, P.S.- KOTWA, DISTRICT- EAST
CHAMPARAN.
2. RAVI RANJAN KUMAR SON OF LATE BIRENDRA RAY RESIDENT
OF VILLAGE- MADHOPUR, P.S.- KALYANPUR, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Kuchaikote P.S. Case No. 459 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, informant alongwith
police officials during the course of patrolling intercepted the
bolero pick up van in question in which two persons were
apprehended and they disclosed their name as Lavkesh Kumar
(petitioner no. 1) and Ravi Ranjan Kumar (petitioner no. 2) and
they also disclosed that they are owner and driver of the said



vehicle in question respectively. It is further alleged there is alleged recovery of 337.11 foreign liquor from the said bolero pick up van in question.

4. Learned counsel for the petitioner submits that petitioners are in custody since 09.09.2023 and bear no criminal antecedent. He further submits that petitioner no. 1 is not the owner of the bolero pick up van in question as alleged in the FIR. No incriminating article has been recovered from the conscious or constructive possession of the petitioners. He further submits that search and seizure has not been made as per law. He further submits that petitioners are quite innocent and have falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the 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 4th Additional Sessions Judge cum Special Judge Excise Court No.



II, Gopalganj in connection with Kuchaikote P.S. Case No. 459 of 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)

vashudha/-

U		T	
---	--	---	--

