

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75395 of 2023

Arising Out of PS. Case No.-318 Year-2023 Thana- BAHADURGANJ District- Kishanganj

1. MUKESH KUMAR KESHRI @ MUKESH KESHRI @ MUKESH KUMAR KESHARI SON OF KISHOR PRASAD KESHARI RESIDENT OF VILLAGE- PROFESSOR COLONY RAMBAG PS- PURNEA SADAR DISTT- PURNEA
2. MD. MOHID ANSARI SON OF M.D JABUL ANSARI@ZAIMUL ANSARI RESIDENT OF VILLAGE- RAMPUR, FORBISGANJ. WARD NO. 10, PS- FORBISGANJ, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. 437/2023 arising out of Bahadurganj P.S. Case No. 318/2023 registered for the offences punishable under Sections 30/41 read with Sections 14/32 and 47 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the informant along with police officials found a Bolero vehicle in question coming from West Bengal side. On search, 166.25 litres of illicit liquor of various description was recovered from



the vehicle in question. It is further alleged that petitioners were apprehended on the spot with the vehicle in question and two other persons fled away from the place of occurrence.

Learned counsel for the petitioners submits that petitioners bear no criminal antecedent. Petitioners are not the owner or driver or cleaner of the vehicle in question. It is further submitted that petitioners have nothing to do with the alleged occurrence and they have no knowledge regarding the alleged recovery from the vehicle in question. Petitioners took lift to go to their destination but in the meantime, police apprehended the vehicle and the petitioners were apprehended only on suspicion. It is further submitted that the 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 12.09.2023. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, 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 Additional Sessions Judge II cum Special Judge (Excise-1) Kishanganj in connection with Special Case No. 437/2023 arising out of Bahadurganj P.S. Case No. 318/2023, subject to the 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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