

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77072 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- ROSHANGANJ District- Gaya

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1. GANESH KUMAR SON OF RAM PRASAD SAO RESIDENT OF VILLAGE- BHAUR KASHIYA DIH, PS- IMAMGANJ, DISTT- GAYA
 2. VIKASH KUMAR SON OF CHANDRA DEO BHUIYA RESIDENT OF VILLAGE- BHAUR KASHIYA DIH, PS- IMAMGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seeks bail in connection with Raushanganj (Bankey Bazar) P.S. Case No. 246 of 2023 registered for the offences punishable under Section 414, 34 of the IPC and Section 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 150 litre mahua liquor was recovered from tempo in question. Petitioner no. 1 Ganesh Kumar was found sitting in the said tempo and petitioner no. 2 Vikash Kumar was alleged to be driver of the said tempo and both apprehended on spot.



4. Learned counsel for the petitioners submits that petitioners are in custody since 24.08.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners being passenger of the said tempo have nothing to do with the alleged occurrence. Petitioners have no knowledge that alleged liquor kept in the said tempo. Nothing has been recovered from the conscious possession of the petitioners. He further submits that there is no compliance of Section 100 of Cr. P.C. 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 petitioners.

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 Exclusive Special Excise Court No. 3, Gaya in connection with



Raushanganj (Bankey Bazar) P.S. Case No. 246 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)

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