

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75301 of 2023

Arising Out of PS. Case No.-767 Year-2023 Thana- ALAMGANJ District- Patna

1. NAVAL BHAGAT S/O SARYUG BHAGAT MOHALLA- VEERPUR, PS. JURAWANPUR, DIST. VAISHALI
2. RAVI RAJ S/O LATE SUNIL KUMAR MOHALLA- MAHENDRU GANDHI CHOWK, MAHAVIR LANE, PS. PIRBAHORE, DIST. PATNA. AT PRESENT RESIDING AT PALLAVI NAGAR, TENANT OF RAJEEV KUMAR, PS. ALAMGANJ, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Dubey, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Alamganj P.S. Case No. 767 of 2023 registered for the offences punishable under Sections 30(a), 32, 41(1) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 95.4 litre foreign liquor was recovered from the pickup van in question in which petitioners were found sitting and they were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are in custody since 23.08.2023 and bear no criminal



antecedent. Petitioners are neither owner nor driver of the pickup van in question. Nothing has been recovered from conscious possession of the petitioners. Petitioners have no knowledge regarding the alleged recovery. They are merely passenger of the pickup van in question as they have taken lift. In this way, petitioners have not in any way connected with the alleged recovery. In the light of aforesaid facts, no case is made out against the petitioners under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State 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 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 Court of Excise, Patna City in connection with Alamganj P.S. Case No. 767 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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