

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76916 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- ROH District- Nawada

-
1. GYAN KUMAR Son of Chandrika Singh R/o vill - Aanti, P.S. - Kadirganj, Distt. - Nawada
 2. Deepak Kumar Son of Mukul Das R/o vill - Kadirganj, P.S. - Kadirganj, Distt. - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Asha Devi

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 seek bail in connection with Roh P.S. Case No. 323/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of total 410 liters Beer from a tractor in question and the petitioners apprehended on the spot alongwith motorcycle.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioners. The petitioners are languishing in custody since 17.09.2023 and bear no criminal antecedent. He further submits that the said tractor belongs to one Saurabh Kumar. He further submits that the petitioners were neither the owner nor the driver the said tractor in question. Rather, petitioner no.1 was the owner of the said motorcycle in question. He further submits that the petitioners have nothing to do with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with Roh P.S. Case No. 323/2023, 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)

amitkumar/-

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

