

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79247 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

1. SHAH ALAM S/O FARMAN VILLAGE- BALIA KASHIBARI, WARD NO. 01, PS. KOCHADHAMAN, DIST. KISHANGANJ
2. AJAY KUMAR YADAV S/O LATE KANHU YADAV @ KANTU YADAV VILLAGE- CHIKNI, WARD NO.11, PS. KOCHADHAMAN, DIST. KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with
Kochadhaman P.S. Case No. 243/2023 dated 13.10.2023
registered for the offences punishable under Sections 30(a), 32,
41 and 47 of the Bihar Prohibition and Excise Act.

As per prosecution case, 214.540 litre illicit liquor
was recovered from i20(Sportz) vehicle in question. Petitioners
apprehended on spot. Petitioner no. 1 is the driver of the vehicle
in question and petitioner no. 2 was sitting beside petitioner no.
1.

Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners are neither owner nor driver of the vehicle in question and the driver of the said vehicle had already fled away from the place of occurrence. Petitioners have no knowledge about the illicit liquor kept inside the vehicle in question. It is further submitted that seizure list has not been made as per law. Petitioners are in custody since 13.10.2023. Petitioners bear no criminal antecedent.

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

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 Court of ADJ II cum Special Judge (Excise-II), Kishanganj in connection with Kochadhaman P.S. Case No. 243/2023 dated 13.10.2023, 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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