

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80439 of 2023

Arising Out of PS. Case No.-1649 Year-2023 Thana- Excise P.S. District- Gaya

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1. RAKESH KUMAR SON OF KAPIL YADAV R/O VILLAGE- BAR BIGHA, P.S.- JEHANABAD, DIST.- JEHANABAD
 2. VINAY KUMAR SON OF KAMLESH YADAV R/O VILLAGE- BARBIGHA, P.S.- JEHANABAD, DIST.- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Gaya
Excise P.S. Case No. 1649/2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, petitioners are said to
have apprehended while transporting 126 litre foreign liquor on
Hyundai (i-20) car in question.

Learned counsel for the petitioners submits that
petitioner is innocent and have committed no offence as alleged
in the FIR and they have falsely been implicated in this case. It



is further submitted that petitioner no. 1 (Rakesh Kumar) is the owner of the vehicle in question while petitioner no. 2 (Vinay Kumar) was sitting beside petitioner no.1 who is his co-villager. Petitioners have no knowledge about the alleged liquor kept in vehicle in question. Petitioners are in custody since 28.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. There is no compliance of Section 100 Cr.P.C. Petitioner no. 1 bears criminal history of one case and petitioner no. 2 bears clean antecedent. Because of the criminal antecedent of petitioner no. 1, he has been roped in the present case in a routine manner as he has got inimical terms with police personnel.

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, 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 Excise Court No. III, Gaya in



connection with Gaya Excise P.S. Case No. 1649/2023, 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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