

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80826 of 2023

Arising Out of PS. Case No.-712 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. BILLU KUMAR @ GURU DAYAL SON OF MAN SINGH R/O VILLAGE- GUWARA, P.S.- HARSORA, DIST.- ALWAR (RAJASTHAN)
2. MAHIPAL GUJJAR @ MAHIPAL SON OF UDMI RAM R/O VILLAGE- KATARIYA, P.S.- HARSORA, DIST.- ALWAR (RAJASTHAN)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Mohania P.S. Case No. 712/2023 registered for the offences punishable under Sections 30(a)/47 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, 370.44 litre illicit liquor was recovered from Hyundai Car in question and petitioners apprehended on spot. Petitioner no. 1(Billu Kumar) is the driver and petitioner no. 2(Mahipal Gujjar) is co-driver of the vehicle 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. Petitioners are not owner of the vehicle in question rather the owner of the said vehicle is Shitarmal(co-accused). It is further submitted that petitioners are employees of co-accused and they have to follow the instructions of owner to earn their livelihood. Petitioners have no knowledge regarding the illicit liquor kept in the vehicle in question. Petitioners bear no criminal antecedent. Petitioners are in custody since 08.10.2023.

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, 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 petitioner 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 Spl Judge Excise No. 1 cum ADJ IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 712/2023 , 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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