

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80442 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- PIPRA District- Patna

1. RAJ KUMAR S/O SHIV SHANKAR CHOUDHARY @ SHANKAR CHOUDHARY RESIDENT OF PARSA BAZAR, PS. PARSA BAZAR, DISTT. PATNA.
2. LUVKUSH @ LUVKUSH KUMAR S/O GARIBAN @ GARIBAN PASWAN RESIDENT OF PIPRA CHATNA, PS. PARSA BAZAR, DIST. PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindu Kumari
For the Opposite Party/s : Mr.Dinesh Singh

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

Pipra P.S. Case No. 61/2023 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition

and Excise Act,2018.

As per prosecution case, there is alleged

recovery of 180 litre country made liquor from tempo

vehicle in question and both petitioners apprehended on

spot.

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. Learned counsel orally submits that the petitioners are not the owners of the tempo vehicle in question. The petitioners have no knowledge about the alleged recovery made from the said vehicle. It is further submitted that Petitioner no. 2(Luvkush), being the driver of the vehicle in question, has to follow the instructions of the owner to earn his livelihood whereas petitioner no. 1, (Raj Kumar), is merely a passenger of the said vehicle. No incriminating article has been recovered from conscious possession of the petitioners. Petitioners bear no criminal antecedent. Petitioners are in custody since 12.08.2023.

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 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 Special Judge, Excise II Act, Patna in connection with Pipra P.S. Case No. 61/2023, 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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