

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4183 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- BHIMPUR District- Supaul

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1. Kundan Kumar Son Of Lalo Das Resident Of Village- Madhura West Ward No. 01, Ps- Narpatganj, Distt- Araria
 2. Pawan Kumar Das Son Of Bijal Das Resident Of Village- Madhura West Ward No. 01, Psdd- Narpatganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Rana

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Sessions Trial No. 1218 of 2023 arising out of Bhimpur Police Station Case No. 97 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, 486 litre Nepali liquor was recovered from Tata Sumo Victa 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. Petitioners are not the owner of the vehicle in question and they have no knowledge about the alleged recovery. It is further submitted that petitioner no. 1 is merely a passenger of the vehicle in question and petitioner no. 2, being a driver, has to follow the instructions of owner to earn his livelihood. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are in custody since 09.10.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioners bear no criminal antecedent.

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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No. 1, Supaul in connection with



Sessions Trial No. 1218 of 2023 arising out of Bhimpur Police Station Case No. 97 of 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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