

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4238 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- GUTHANI District- Siwan

1. Pankaj Kumar son of Late Harendra Sharma Village- Banaura Po- Usari Bazar Ps- Baikunthpur Dist- Gopalganj
2. Rambabu Kumar son of Mahesh Rai @ Mahesh Ray Village- Banaura Po- Usari Bazar Ps- Baikunthpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Pronoti Singh

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 Guthani P.S. Case No. 302 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 144 litre foreign liquor was recovered from XUV-500 vehicle in question and both petitioners were apprehended on spot.

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



case. It is further alleged that petitioners are not owner of the vehicle in question and they have no knowledge regarding the illicit liquor kept in the said vehicle. The petitioners were apprehended on spot merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are in custody since 29.11.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner no. 1 bears clean antecedent. Petitioner no. 2 bears criminal antecedent of four cases in which he is on bail.

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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No. 1, Siwan, District Siwan in



connection with Guthani P.S. Case No. 302 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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