

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5174 of 2024

Arising Out of PS. Case No.-657 Year-2023 Thana- BARHARA District- Bhojpur

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1. Anshu Kumar Son of Sanjay Ray Resident of village - Mustafapur, P.S.- Bihta, District - Patna.
 2. Pankaj Kumar Son of Vifan Ray Resident of village - Mustafapur, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

1. The petitioners seek bail in connection with Barhara Krishnagarh P.S. Case No. 657 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

2. As per prosecution case, 80 litre illicit liquor was recovered from Sparky LT Chevrolet car in question and petitioners were apprehended from the said car. Further, 120 litre illicit liquor was also recovered from tempo in question and co-accused Ritesh Kumar and Manish Kumar were apprehended from the said tempo.



3. Learned counsel for the petitioners submits that petitioners are neither owner nor driver of any of the vehicles in question. He further submits that on the alleged date of occurrence, petitioners were returning from the house of their relative after attending marriage and merely on the basis of suspicion, they were apprehended on the spot. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioners with the alleged occurrence. Petitioners are in custody since 18.11.2023 and bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioners are innocent and has committed no offence as alleged against him in F.I.R. and they have falsely been implicated in the present case. He further submits that on similar and identical allegation, co-accused Ritesh Kumar has already been granted bail by this Court vide Cr. Misc. No. 4834 of 2024 and on the principle of parity, petitioners also deserve bail.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent,



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 Ist Exclusive Special Excise Court Bhojpur at Ara in connection with Barhara Krishnagarh P.S. Case No. 657 of 2023, subject to 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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