

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4029 of 2024

Arising Out of PS. Case No.-994 Year-2023 Thana- Excise P.S. District- Siwan

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1. GOLU KUMAR S/O HAKIM RAY R/O VILLAGE- RAMJEE CHAK, NACH BAGICHA, BATAGANJ DINAPUR-CUM-KHAGAUL, P.S-DIGHA, PIN- 800018., DISTT.- PATNA, BIHAR
 2. ROHIT KUMAR S/O JITENDRA PASWAN R/O VILLAGE- RAMJEE CHAK, NACH BAGICHA, BATAGANJ DINAPUR-CUM-KHAGAUL, P.S- DIGHA, PIN- 800018. DISTT.- PATNA, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nishikant, Adv.
		Mr. Madhumay Madhup, Adv.
For the Opposite Party/s	:	Mr.Md. Iftekhar Mahmood, A.P.P.

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.

1. The petitioners seek bail in connection with Excise P.S. Sadar Siwan Case No. 994 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

2. As per prosecution case, 190.080 litre foreign liquor was recovered from Piaggio tempo in question which was being driven by the petitioner no. 1 and petitioners were apprehended on the spot.

3. Learned counsel orally submits that petitioner no. 1 is not owner of the said tempo. Being the driver of the said



tempo, he has to follow the instruction of the owner of the said tempo to earn the livelihood. He further submits that petitioner no. 2 is passenger of the said tempo and he has nothing to do with the alleged occurrence. They were apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioners have no concern with the alleged liquor. Petitioners are in custody since 04.11.2023. Petitioners bear no criminal antecedent, as mentioned in para 3 of the bail petition.

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 Special Judge, Excise II, Siwan in connection with Excise P.S. Sadar Siwan Case No. 994 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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