

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5791 of 2024

Arising Out of PS. Case No.-681 Year-2023 Thana- HISUWA District- Nawada

1. MUNNI LAL KUMAR YADAV @ MUNILAL KUMAR Son of Kailash Yadav Resident of Village-Parsatari, P.S.-Chauparan, District-Hazaribag (Jharkhand).
2. RAMOTAR KUMAR @ RAMAUTAR KUMAR Son of Hulash Yadav Resident of Village-Parsatari, P.S.-Chauparan, District-Hazaribag (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks bail in connection with Hisua P.S. Case No. 681 of 2023 registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 1937.365 litre foreign liquor was recovered from motorcycle, Sumo Victa and Scorpio vehicles in question and petitioners along with others were apprehended on spot.

4. Learned counsel for the petitioners submits that petitioners are in custody since 07.12.2023 and both bear no criminal antecedent. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as



alleged in the FIR and they have falsely been implicated in this case. It is further submitted that petitioners are not the owner of the vehicles in question. Basically, no incriminating article has been recovered from conscious possession of the petitioners. Petitioners were apprehended on spot merely on basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. He further submits that co-accused, Ashish Kumar, has already been granted bail vide Cr. Misc. No. 5276 of 2024 by this Court and the case of present petitioners stands on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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 Exclusive Special Excise Judge, 1st Nawada in connection with Hisua P.S. Case No. 681 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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