

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4205 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- Excise P.S. District- Samastipur

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ALOK KUMAR S/O Sri BIRENDRA SINGH R/O VILLAGE- GARKHA
(BIBIPUR), P.S. -Garkha DISTT.- CHAPRA (SARAN).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 9224 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- Excise P.S. District- Samastipur

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RAJNISH KUMAR PURI S/O- ANIL PURI @ ANEL PURI R/O-
VILLAGE- RAEPUR BUZURG, P.S.- SARAIKARANJAN, DIST.-
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 4205 of 2024)

For the Petitioner/s : Mr.Smita Kumari

For the Opposite Party/s : Mr.Jai Narain Thakur

(In CRIMINAL MISCELLANEOUS No. 9224 of 2024)

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsels for the petitioners and

learned A.P.P. for the State.

2. The petitioners seek bail in connection with

Patori (Excise) P.S. Case No. 93 of 2023 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act ,2018.



3. As per prosecution case, there was alleged recovery of 992.880 litre foreign liquor from the truck in question and petitioners apprehended on the spot.

4. Learned counsels for the petitioners submit that petitioners are in custody since 30.11.2023 and both bear no criminal antecedent. It is further submitted that petitioners are neither owner nor driver of the said vehicle in question. Nothing has been recovered from the conscious possession of the petitioners. Petitioners apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. It is further submitted that petitioners are quite innocent and have falsely been implicated in the case.

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

6. 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) each with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise, Samastipur in connection with Patori
(Excise) P.S. Case No. 93 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)

vashudha/-

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