

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4750 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- RAUTA District- Purnia

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Babu Saheb Kumar @ Babu Sahab Kumar S/O SRI ASHOK GUPTA @
ASHOK KUMAR BHAGAT VILLAGE- KACHAHARI BALUA, PS.-
SARSI, DIST. PURNEA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Rauta
P.S. Case No. 206 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

As per prosecution case, 88.950 litre foreign liquor
was recovered from Mahindra XUV 500 vehicle in question and
petitioner along with other apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Basically no incriminating article has been recovered from



conscious possession of the petitioner. Petitioner is neither owner nor driver of the vehicle in question and he has no knowledge about the illicit liquor kept in the said vehicle. Petitioner is merely a passenger of the said vehicle. The owner of the seized vehicle is one Vidyanand Sah. It is further submitted that co-accused Gaurav Kumar Sah who was also apprehended on spot, has already been granted bail by this Court vide Cr. Misc. No. 2020 of 2024 and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 03.12.2023. Petitioner bears criminal antecedent of one case in which he is on bail.

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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner 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 Judge(Excise-02), Purnea in connection with Rauta P.S. Case No. 206 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) Petitioner 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 petitioner tampers 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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