

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6563 of 2024

Arising Out of PS. Case No.-1302 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Pintu Rishidev S/o Jayshree Rishidev @ Jay Rishidev R/o Village - Belodih, P.S. - Murliganj, (Madhepura) District - Madhepura
2. Sagar Kumar S/o Manohar Mallah R/o Parihari ,P.S. - Kumarkhand, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 1302 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 259.02 litre IMFL was recovered from the car in question and petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been



apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to connect the petitioners with the alleged occurrence. Learned counsel orally submits that petitioners are not owner of the vehicle in question. There is no compliance of Section 100 of the Cr.P.C. Petitioners have no concern with the seized liquor in question. Petitioners are in custody since 20.11.2023 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.

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, 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-1, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 1302 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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