

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4970 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- SUIYA District- Banka

Shivam Kumar Son of Umesh Malakar R/o vill - Narayan Pipra, P.S. - Chhorahi, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6999 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- SUIYA District- Banka

1. Gaurav Kumar @ Gaurav Sah S/O Rajo Saah R/O Village- Narayanpipar (CHHOURAHI), Ps. Khodawandpur (CHHOURAHI O.P.), Dist. Begusarai.
2. Kishan Kumar S/O Shambhu Prasad Suman Village- Singhiya, W. No. 04, Ps. Bibhutipur, Dist. Samastipur.

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4970 of 2024)

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 6999 of 2024)

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : **Mr.Lakshmi Kant Sharma, APP**

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Suiya P.S. Case No. 155 of 2023 lodged under sections 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, the F.I.R. has been lodged against three named and one owner of the vehicle and



total recovery of 221.04 liter wine has alleged to be made, which is subject matter of the present case.

4. Learned counsel for the petitioner of Cr. Misc. No.4970 of 2024 (first case) submits that the petitioner is neither owner nor driver or co-driver of the said vehicle from where the said recovery of wine has been made.

5. Counsel further submits that petitioner is a passer-by and he is in custody since 04.12.2023 having clean antecedent.

6. So far as the Cr. Misc. No.6999 of 2024 (second case) is concerned, counsel for the petitioners submits that petitioner No.2 has said to be driver of the vehicle and petitioner no.1 is neither driver nor owner of the said vehicle.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner of Cr. Misc. No.4970 of 2024 (namely, Shivam Kumar) and petitioner No.1(namely, Gaurav Kumar) of Cr. Misc. No.6999 of 2024, be granted bail whereas petitioner no.2 (namely, Kishan Kumar) be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty



thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-V Banka, in connection with Suiya P.S. Case No. 155 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

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