

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6708 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

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1. Banti Kumar SON OF RAJENDRA PRASAD RESIDENT OF VILLAGE-TAKATPU, PS- CANTT. DIST- VARANASI, UP AT PRESENT S 26/216 A, MEERAPUR BASAHI, PS- CANTT. VARANASI UP
 2. RATAN KUMAR SON OF SANJAY KUMAR RESIDENT OF VILLAGE-TAKATPU, PS- CANTT, DIST- VARANASI, UP AT PRESENT RESIDENT OF VILLAGE- PAURA, PS- SAKALDIHA, DIST- CHANDAULI, UP

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Yogendra Kumar

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 Kudra P.S. Case No. 06 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, there was alleged recovery of 112.32 litre foreign liquor 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. Learned counsel orally submits that petitioners are neither owner nor driver of the car in question and they have been apprehended on the spot on the basis of suspicion only. No incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no knowledge regarding the alleged liquor that has been kept in 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 07.01.2024 and bear no criminal antecedent. Moreover, co-accused Aftab Shah @ Aftab Sah, who is said to be driver of the vehicle in question, has already been granted bail by this Court vide Cr. Misc. No. 9482 of 2024 and case of present petitioners stands on better 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, 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 No. 1 cum Additional Sessions Judge-IV, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 06 of 2024, 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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