

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6574 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- BARAULI District- Gopalganj

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1. Ritesh Kumar Sharma SON OF Manager Sharma RESIDENT OF VILLAGE- KHAWASPUR, PS- NABIGANJ, DIST- SIWAN
 2. RAJ KISHORE CHAUDHARY SON OF LATE DODHNATH CHAUDHARY RESIDENT OF VILLAGE- KHAWASPUR, PS- NABIGANJ, DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj
For the Opposite Party/s : Mr.Pradeep Narain 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 Barauli
P.S. Case No. 05 of 2024 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2022.

3. As per prosecution case, 34.56 litre foreign liquor
was recovered from the motorcycle 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. He further submits that petitioners



are not owner of the motorcycle in question. Petitioners have been apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no concern with the seized liquor in question. Petitioners are in custody since 05.01.2024 and bear no criminal antecedent.

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 Additional Sessions Judge-II-cum Special Excise Court No. 1, Gopalganj in connection with Barauli P.S. Case No. 05 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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