

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8020 of 2024

Arising Out of PS. Case No.-1060 Year-2023 Thana- BIHTA District- Patna

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1. Lawkush Kumar @ Lawkush Kumar Paswan @ Lawkush Paswan S/o Dasai Mahto @ Dasai Paswan R/o Vill - Nagar Bihta, P.S. - Bihta, Dist. - Patna
 2. Golu Kumar @ Golu Paswan S/o Dasai Mahto @ Dasai Paswan R/o Vill - Nagar Bihta, P.S. - Bihta, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadwal Harsh, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Special Excise Case No. 3526 of 2023 arising out of Bihta P.S. Case No. 1060 of 2023 instituted for the offences under Section 30(a), 32 (ii)(iii) and 41 (i)(ii) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police caught a motorcycle bearing Registration No. BR1AJ-6451 as well as a Tempo bearing Registration No. BR01PQ-3816. Both the drivers of motorcycle and tempo started running away after seeing the police but, anyhow, they were apprehended by the



police. The driver of the motorcycle disclosed his name as Sushobit Kumar and also disclosed the name of the passenger who ran away from the spot as Pathlu Kumar. The driver of the tempo and a person, who was sitting in the tempo, were also arrested who disclosed their name as Golu Kumar and Lawkush Kumar (the petitioners) and on search, 50 liters of country made liquor was seized from the motorcycle and 300 liters of illicit country made liquor was recovered from the said tempo. Thus, total 350 liters of country made liquor were seized. Both the vehicles were also seized by the police.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case at the instance of the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioners have no concern with the seized liquor or the vehicles, in question. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 30.10.2023.

5. Learned counsel for the petitioners again submits



that one of the co-accused persons namely Sushobhit Kumar @ Golu Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.02.2024 passed in Cr. Misc. No. 4148 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioners as also the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Excise Case No. 3526 of 2023 arising out of Bihta P.S. Case No. 1060 of 2023.

(Rudra Prakash Mishra, J)

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