

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23659 of 2024

Arising Out of PS. Case No.-169 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. SAHID @ MD. SHAHID S/O MD. SAMSUL R/O VILLAGE- GANGIA, P.S- SONKI, DISTT.- DARBHANGA.
2. BIKRAM KUMAR MANDAL @ RAVI @ RADHEY SHEYAM MANDAL S/O KAARI MANDAL R/O VILLAGE- GANGIA, P.S- SONKI, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.A. Ahmad, Advocate
	:	Mr. Umesh Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Bahadurpur P.S. Case No. 169/2022 registered for the offences punishable under Sections 30(a)/ 32(ii) (iii)/ 36/ 41(i) of the Bihar Prohibition and Excise Act and Sections 420, 467, 468, 471, 414 and 120B of the I.P.C

3. As per prosecution case, there was alleged recovery of total 3457.44 liter illicit foreign liquor from truck and car in question. Co-accused persons namely Raja Kumar Sah, Pankaj Kumar Yadav and Lalit Kumar Yadav apprehended on the spot who disclosed the name of petitioners and others. It is alleged that illicit foreign liquor was being brought at the behest of petitioners and others.



4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Except confessional statement of co-accused persons, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. The petitioners are not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioners. The petitioners are surrendered themselves before the concerned court on 06.01.2024 and since then they are in jail custody. The petitioners bear no criminal antecedent. Learned counsel for the petitioners further submits that the petitioners were neither owner nor driver of the seized vehicles in question. He further submits that the petitioners were not concerned with the seized liquor and the seizure list has not been prepared as per the law. Apprehended co-accused Raja Kumar Sah @ Raja Kumar has already been granted bail by this Court vide Cr. Misc. No.38084/2022 and the case of present petitioners stand on better footing as they are not apprehended on the spot.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, petitioners are not apprehended on the spot and keeping in view clean antecedent of petitioners, co-accused has already been granted bail, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge-1 (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 169/2022, 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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