

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44684 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Bipin Kumar S/O Satya Prakash R/O Village- Nawalpur, P.S- Sahpau, Distt.- Hathras (U.P).
2. Mohammad Nayeem S/O Saleem R/O Village- Dhilawal, P.S- Maudarwaza, Distt.- Farrukhabad (U.P).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Kuchaikote P.S. Case No. 117 of 2024, instituted for the offences punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 11,000 liters spirit was recovered from truck and the petitioners, were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered



from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of spirit. It is further submitted that the petitioners are driver and cleaner of the truck in question and they have no knowledge regarding the goods loaded in the vehicle. The petitioners are in custody since 18.03.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted bail by this Court vide order dated 15.05.2024 passed in Cr. Misc. No. 36933 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote P.S. Case No. 117 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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