

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63503 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Bipin Kumar Bharti S/o Sanjay Kumar Bharti @ Sanjay R/o Village-Labakara, P.S.- Rasra, District- Ballia (U.P.)
2. Mintu Kumar Son of Jhagru Ram R/o Village- Rampur, P.S.- Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seeks regular bail in Mohammadpur P.S. Case No. 165 of 2024 registered for the offence punishable under Sections-30(a), 41, 48 of the Bihar Prohibition and Excise Act, 2018.

3. Allegedly, the petitioners were apprehended with car bearing Reg. No. DL12CB4162 and in course of search, 423.36 of foreign liquor has been recovered from the car.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence whatsoever and they have falsely been implicated in this case.



There is no recovery of any liquor from conscious possession of the petitioners. The petitioners are neither the owner nor the drivers of the vehicle, in question. It has also been submitted that both the seizure list witnesses are the planned witnesses of the police who put their signature on the seizure list prepared by the police. The petitioners are under incarceration since 10-07-2024.

5. Learned APP has opposed the prayer for bail and submitted that the petitioner No. 1 has got criminal antecedent of one another case of similar nature.

6. Considering the aforesaid facts and circumstances, specially the fact that the petitioner No. 2 is the person of clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Mohammadpur P.S. Case No. 165 of 2024 subject to the condition that the petitioner shall cooperate with the trial and make himself available as and when required by the court.

7. So far as the petitioner No. 1 is concerned, taking into account that he has got a criminal antecedent of similar



nature, he (petitioner No. 1) named above, is directed to ***furnish bail bond after two months from today*** and on doing so, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Mohammadpur P.S. Case No. 165 of 2024.

(Nawneet Kumar Pandey, J)

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