

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67430 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- Bypass District- Bhagalpur

1. Prem Kumar Son of Shiv Chandra Yadav Resident of Village -Nawranga Police Station- Chautham, District- Khagdiya
2. Bipin Kumar Son of Jangbahadur Sah Resident of Village -Nawranga Police Station- Chautham, District- Khagdiya
3. Om Prakash Sah Son of Late Mahendra Sah Resident of Village -Nawranga Police Station- Chautham, District- Khagdiya
4. Akash Ansari Son of Islamudim Miya Resident of Village -Sikaripara, Police Station- Sikaripara, District- Dumka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Baijnath Sah, learned counsel for the petitioners and Mr. Syed Ehteshamuddin, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail where petitioner nos. 1 to 3 are in custody since 02.08.2024 and petitioner no. 4 is in custody since 03.08.2024 in connection with GR No. 3029 arising out of Bypas P.S. Case No. 77 of 2024, F.I.R. dated 01.08.2024 for the offences punishable under Sections 30(a), 32(2), 41(1)(2) of the Bihar Prohibition and Excise Amendment Act, 2022.



3. Recovery is of 1153.200 liters of liquor.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather altogether 1153.200 liter of liquor has been recovered from the truck in question. He further submits that the petitioner no. 1 is driver, petitioner no. 2 is cleaner, petitioner no. 3 is the owner of the truck and petitioner no. 4 is the owner of stone chips. The petitioner nos. 1 to 3 are in custody since 02.08.2024 and petitioner no. 4 is in custody since 03.08.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and nothing has been recovered from the conscious possession of the petitioners, let the petitioner, above named, 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 the learned Additional District Judge IX-cum-Exclusive Special Excise Judge-1, Bhagalpur in connection with GR No. 3029 arising out of Bypas



P.S. Case No. 77 of 2024, subject to the following conditions:-

- i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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