

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70187 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Laxman Kumar Son of Dharmbir Ray R/O Vill.- Naya Tola Dedaur, P.S.- Bakhtiyarpur, Dist.- Patna.
2. Mantu Rai Son of Jimdar Ray @ Jamdar Ray R/O Vill.- Bishunpur, P.S.- Bidupur, Dist.- Vaishali.
3. Sonu Kumar Son of Devendra Ray R/O Vill.- Bishunpur, P.S.- Bidupur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Phulwariya P.S. Case No. 237 of 2024 registered for the offences punishable under Section 317(5) of the Bhartiya Nyay Sanhita, 2023 and 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there is alleged recovery of 208.80 liters of foreign liquor from the secret compartment of tempo in question and petitioners were apprehended on the spot.



4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the first information report. The tempo in question does not belong to the petitioners. Petitioners are not in any way connected with the alleged occurrence. Petitioners were merely passengers in the said vehicle and they had no knowledge regarding such illicit liquor which was being carried in the vehicle in question. Petitioners are in custody since 09.08.2024. Petitioners bear no criminal antecedent.

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

6. Considering the facts and circumstances of the case, period of custody, petitioners bear no criminal antecedent, argument advanced on behalf of both sides and the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XIII-cum-Special Excise Judge I, Gopalganj in connection with Phulwariay P.S. Case No. 237 of 2024, 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)

mcverma/-

U		T	
---	--	---	--

