

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73906 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- ANDHRAMATH District- Madhubani

1. Gagan Kumar Das Son of Achche Lal Das Resident of Village - Nirmali, P.S. - Nirmali, District - Supaul
2. Raju Kumar Son of Shyam Lal Das Resident of Lakshaminiya, P.S. - Narahiya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed, during the course of the day.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek bail in connection with Andhramath P.S. Case No. 118 of 2024 registered for the offences punishable under Sections 274, 275/3 of B.N.S. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

4. As per prosecution case, 159 litre illicit Nepali



liquor was recovered from Scorpio car in question and petitioner alongwith others was apprehended on the spot.

5. Learned counsel for the petitioners submits that petitioners are neither owner nor driver of the seized vehicle in question. Petitioners are in custody since 10.07.2024. Petitioner no. 1 bears criminal antecedent of three cases in which he is on bail and petitioner no. 2 bears no criminal antecedent. He further submits that no incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no concern with the alleged seized liquor. They are quite innocent and have committed no offence as alleged against him in F.I.R. and petitioners have falsely been implicated in the present case.

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

7. Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Andharamath P.S. Case No. 118/2024,



corresponding to G.R. No. 499 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)

alok/-

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

