

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70768 of 2024

Arising Out of PS. Case No.-2024 Year-2024 Thana- Excise P.S. District- Patna

1.

Sonu Kumar Yadav S/O Chandrama Yadav R/O Patel Nagar Colony, Ward No. 08, P.S- Shastrinagar, Distt.- Patna.
2.

Chotu Kumar S/O Late Surendra Rai R/O Navratanpur, Ward No. 31, P.S- Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

207-10-2024

As prayed for, learned counsel for the petitioners is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in para 14 of the petition, 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 Patna Excise Police Station (Prohibition) Case No. 2024 of 2024 registered for the offences punishable under Sections 30(a) and 56(b) of Bihar Prohibition and Excise Act, 2016 and Amended Act, 2022.

4. As per prosecution case, 336.96 litre foreign liquor



was recovered from the Mahindra Scorpio in question which was being driven by petitioner no. 1. Petitioner no. 2 is said to be co-driver of said vehicle and both petitioners apprehended on the spot.

5. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. He further submits that petitioners are not owner of the vehicle in question. Petitioners are merely driver and co-driver of the said vehicle and they have to follow the instruction of their owner to earn the livelihood. No incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no knowledge regarding the alleged liquor that has been kept in the vehicle in question. He further submits that seizure list has not been made as per law. Petitioners are in custody since 27.08.2024 and bear no criminal antecedent.

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, keeping in view clean antecedent of petitioners, 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-III, Patna in connection with Patna Excise Police Station (Prohibition) Case No. 2024 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)

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