

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73340 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- KATEYA District- Gopalganj

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1. Amit Chaudhary S/o Naval Kishore Chaudhary R/O- Nunfara, P.S- Piyar, District- Muzaffarpur
 2. Vikash Paswan S/o Rammilan Paswan @ Ram Milan Paswan R/O vill- Jagannathpur Deheli, P.S- Sheohar, District- Raebareli, (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 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 9 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 Kateya P.S. Case No. 296 of 2024 registered for the offences punishable under Sections 317(5) and 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

4. As per prosecution case, 269.250 litre foreign



liquor was recovered from pickup van in question and 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. Learned counsel orally submits that petitioners are not owner of the vehicle in question. Petitioners are driver and cleaner and they have to follow the instruction of the owner to earn the livelihood. Petitioners have no concern with the seized liquor. Petitioners are in custody since 02.08.2024 and bear no criminal antecedent. Seizure list has not been made as per law.

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 the 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 Additional Sessions Judge-XIII-cum Special Judge, Excise-1, Gopalganj in connection with Kateya



P.S. Case No. 296 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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