

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72701 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- SITAMARHI District- Nawada

1. Vinay Kumar Son of Birju Paswan @ Birju Paswan Yadav Village- Chaksey, Ps- Wazirganj, Dist- Gaya
2. Kundan Kumar son of Sadan Manjhi Resident of village- and ps- Bela, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Sitamarhi
P.S. Case No. 88 of 2024 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 287
litre country made liquor from the tempo in question and
petitioners are said to have apprehended on the spot.

4. Learned counsel for the petitioners submits that
petitioners are quite innocent and have committed no offence as
alleged in the F.I.R. Petitioners are in custody since 26.08.2024
and petitioners bear no criminal antecedent. He further submits



that there is no compliance of Section 103 of BNSS. It is further submitted that tempo in question does not belong to the petitioners. Petitioners were merely a spectator at the place of occurrence and they have falsely been implicated in the case on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged recovered liquor.

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, 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 Exclusive Special Excise Judge-I, Nawada in connection with Sitamarhi P.S. Case No. 88 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)

vashudha/-

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