

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71581 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- Pachpakdi District- East Champaran

1. Surendra Sah Son of Fulgen Sah Resident of Village - Bisahi, P.S. - Sheohar, District - Sheohar
2. Amit Kumar Singh @ Munna @ Muna Son of Jai Mohan Singh Resident of Village - Malik Pokhar Bhinda, P.S. - Sheohar, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners is directed to make necessary correction in the provision portion of the present bail petition in course of the day.

3. The petitioners seek bail in connection with Pachapakari P.S. Case No. 16 of 2024 instituted for the offences under Sections 317(5)/3(5) of the B.N.S. & Section 30(a) & 41(i) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, the police has recovered total 185.400 liters illicit Nepali liquor from the Bolero vehicle bearing Regd. No. BR06PB7352 which were being carried by



the petitioners.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioners were arrested by the police at the spot. He further submits that the petitioner no.1 is the driver and petitioner no.2 is the helper and they were having no knowledge about the seized Nepali illegal liquor because they were driving the vehicle on the instruction of the owner of the vehicle. The petitioners are not the owner of the alleged vehicle. He further submits that no any illegal liquor has been recovered from the conscious possession of the petitioners. The petitioners have no connection with any businessman of illegal liquor and the police merely on suspicion falsely implicated the present petitioners in this case. The petitioners have no concern with the alleged seized liquor. The petitioners have one criminal antecedent in which both of them are on bail and are languishing in judicial custody since 21.08.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pachapakari P.S. Case No. 16 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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