

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72996 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- KOPA District- Saran

1. Akhilesh Nishad Son of Sanjay Nishad @ Srijay Nishad @ Sijai Nishad Village -Rehra, P S. -Rehra, District- Balrampur, State Uttar Pradesh
2. Rupesh Prajapati son of Ghanshyam Village -Rehra, P S. -Rehra, District- Balrampur, State Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.
For the Opposite Party/s : Ms.Anita Kumari, APP

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, 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 Kopa P.S. Case No. 132 of 2024 registered for the offences punishable under Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 853.2 liters illicit foreign liquor from the truck in



question. Petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have not committed any offence as alleged in the first information report. Petitioner no. 1 is driver and petitioner no. 2 is said to have sat with petitioner no. 1. Petitioners have nothing to do with the illicit liquor recovered from the truck in question. Petitioner no. 1 being the driver has to follow the instruction of the owner to earn the livelihood. Petitioners have no criminal antecedent and are in custody since 07.08.2024.

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

6. Considering the facts and circumstances of the case, period of custody, petitioners have no criminal antecedent, argument advanced on behalf of both sides and 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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Kopa P.S. Case No. 132 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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