

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83111 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- KASIMBAZAR District- Munger

1. Rohan Kumar Son of Mahendar Yadav R/O Village - Jagdambapur Farda, P.S.- Safiyabad, District- Munger
2. Rupesh Kumar, son of Munna Yadav Village Jagdambapur Farda, PS-Safiyabad, District-Munger

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Kasim Bazar P.S. Case No. 298 of 2023 registered for the offences punishable under Sections 30(a) and 32 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of 312.480 litres foreign liquor from Scorpio vehicle in question and petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this



case. Petitioners are neither owner nor driver rather, they are merely passenger of the said vehicle in question and they have no knowledge regarding the illegal liquor kept in the said vehicle. Petitioners bear one criminal antecedent in which they are on bail. Petitioners are in custody since 02.10.2023.

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, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner 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 Judge Excise-I, Munger in connection with Kasim Bazar P.S. Case No. 298/2023, subject to the 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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