

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82928 of 2023

Arising Out of PS. Case No.-1046 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Amlesh Kumar Son of Upender Yadav Resident of Village- Sakhua, Police Station- Pipra, District- Supaul
2. Sanjeev Kumar Son of Chottelal Yadav Resident of Village- Hordi Chaughara Police Station- Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh
For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 1046 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. As per the prosecution, 221.040 litres of illicit liquor was recovered from a car in question and the petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are in custody since 08.09.2023 and bear no criminal antecedent. He further submits that nothing has been recovered



from conscious possession of the petitioners. He further submits that the petitioner no.1 is merely a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits that the petitioner no.2 is a passenger of the said car in question and he has nothing to do with the alleged occurrence. He further submits that the entire allegation against the petitioners is false and baseless. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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



Additional District & Sessions Judge-9th-cum Special Judge,
Excise Act-1st, Bhagalpur in connection with Kahalgaon
(Ghogha) P.S. Case No. 1046 of 2023, 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 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 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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