

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84600 of 2023

Arising Out of PS. Case No.-968 Year-2023 Thana- Excise P.S. District- Gopalganj

1. Pinki Wife Of Late Ashok R/O Village- Raudhana 64, P.S.- Rathdhana, District- Sonipat (HARYANA)
2. Sumit Son Of Jai Bhagwan R/O Village- Kansala, P.S.- Imt Rohtak, District- Rohtak (HARYANA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma

For the Opposite Party/s : Mr. Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Excise
P.S. Case No. 968 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, 580.500 litre foreign
liquor was recovered from Nexon car in question and petitioners
apprehended on spot.

Learned counsel for the petitioners submits that
petitioner is innocent and have committed no offence as alleged
in the FIR and they have falsely been implicated in this case. It



is further submitted that petitioners are neither owner nor driver of the vehicle in question and they are in no way connected with the alleged recovery. On seeing the police, actual driver fled away from the place of occurrence and petitioners have been apprehended on basis on suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioners are in custody since 19.09.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court No. II, Gopalganj in connection with Excise P.S. Case No. 968 of 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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