

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83559 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- RAMPUR HARI District- Muzaffarpur

1. Rahul Kumar Son of Ajay Ray @ Ajay Kumar R/O Village- Khanua, P.S.- Mahindwara, District- Sitamarhi.
2. Arshad @ Arashad Son of Basa R/O Mohalla- Gali No.-03, Prithvi Vihaar, P.S.- Karnal, District- Karnal (HARYANA) At Present Village- Alipur, P.S.- Kerana, District- Shamli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Rampur Hari P.S. Case No. 77/2023 registered for the offences punishable under Sections 30(a)/32(ii)(iii)/36/41(i)(ii) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of total 243.75 liters foreign liquor from a truck in question and the petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits the petitioners are not in any way connection with the alleged occurrence and nothing has been recovered from the conscious



possession of the petitioners. The petitioners are innocent and have falsely been implicated in this case merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioners are languishing in custody since 29.10.2023 and bear no criminal antecedent. He further submits that the said truck belongs to Sabir of District-Shamli (UP). He further submits that the seizure list has not been prepared as per the law.

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

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Rampur Hari P.S. Case No. 77/2023, 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 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)

amitkumar/-

U		T	
---	--	---	--

