

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81794 of 2023**

Arising Out of PS. Case No.-441 Year-2023 Thana- KATEYA District- Gopalganj

1. Sandip Kumar SON OF CHABILA GUPTA R/O NAVKA TOLA, DEURWA, SANGWADIH, P.S.- GOPALPUR, DISTRICT- GOPALGANJ
2. Vivek Kumar SON OF VINOD RAJBHAR R/O VILLAGE- CHILWA, BHARPARTIYA, SAHPUR, P.S.- GOPALPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Devashish Giri

For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      04-01-2024                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Kateya P.S. Case No. 441/2023 registered for the offences punishable under Section 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of 81 liters country made liquor from motorcycle in question and the petitioners were apprehended on the spot. It is further alleged that there was alleged recovery of 09 liters country made liquor from the possession of co-accused Krishna



Kumar and he also apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 06.10.2023 and bear no criminal antecedent. He further submits that the said motorcycle does not belong to the petitioners. He further submits that no incriminating substance such as country made liquor or stolen motorcycle has been recovered from the possession of the petitioners. 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 Additional Sessions Judge-II cum Special Judge, Excise-1, Gopalganj in connection with Kateya P.S. Case No. 441/2023,



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)**

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