

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86052 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- KORANSARAI District- Buxar

1. ROUSHAN RAI SON OF OM PRAKASH RAI R/O VILLAGE-JOGAMUSAHIB, P.S.- KARIMUDINPUR, DIST.- GAZIPUR (U.P.)
2. AJILESH KUMAR @ VIKASH KUMAR @ VIKASH KUNWAR SON OF KRISHNANAND RAI R/O VILLAGE- JOGAMUSAHIB, P.S.- KARIMUDINPUR, DIST.- GAZIPUR (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Koran Sarai Town Police Station Case No. 106 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and Sections 114, 467, 468, 472/34 of the Indian Penal Code.

As per prosecution case, total 685.2 litre illicit liquor was recovered from Tata Safari and Mahendra XUV vehicle in question. It is further alleged that both petitioners were apprehended from the said Tata Safari vehicle.

Learned counsel for the petitioners submits that



petitioner is innocent and have committed no offence as alleged in the FIR. Petitioner No. 1 is the driver and petitioner no. 2 is the owner of the Tata Safari car in question. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no knowledge about the illicit liquor kept in the Tata Safari Vehicle in question. It is further submitted that the petitioners were going to Maliyabag to attend a family function. When they reached near Koran Sarai Nahar Pool, police stopped their vehicle and asked them to become witnesses for seizure list of the apprehended Mahindra XUV vehicle. When the petitioners refused to do the same, the police falsely implicated the petitioners in this present case. Petitioners are in custody since 22.10.2023. Petitioners bear 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 petitioner 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 Special Excise Court No. 1st at Buxar in connection with Koran Sarai Town Police Station Case No. 106 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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