

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.366 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Vikash Nishad S/O Tarkeshwar Nishad R/O Village- Ataipar, Post- Barpaar, P.S- Rampur, Karkhana, Distt.- Deoria(Uttar Pradesh).
2. Shiwa Yadav @ Shiv Kumar S/O Ram Layak Yadav R/O Village- Barwa, P.S- Mahuadih, Distt.- Deoria, (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in connection with Sidhwaliya P.S. Case No. 340 of 2023 registered for the offence punishable under Sections 414, 467, 468 and 34 of the Indian Penal Code and Sections 30(a) and 41 of Bihar Prohibition and Excise (Amendment) Act.

Prosecution case relates to recovery of total 339.000 litrer of I.M.F.L. from Xylo Car bearing Reg. No. UP76N5060. Both the petitioners were arrested on spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed



no offence. They have falsely been implicated in this case. Petitioner no.1 is the driver of the seized vehicle and petitioner no.2 is the Assistant Driver. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery nor vehicle in question belongs to them. Seizure list has not been prepared as per provision of Section 100 of the Cr.P.C. It is further submitted that nothing incriminating article has been recovered from their conscious possession. Petitioners are languishing in judicial custody since 17.11.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

The petitioner No.1 namely, Vikash Nishad being driver of the alleged vehicle is directed to deposit a sum of **Rs 10,000/- (Ten Thousand)** in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise-I,



Gopalganj in connection with Sidhwaliya P.S. Case No 340 of 2023.

The bail bond of the petitioner No.1 namely, Vikash Nishad shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 10,000/- (Rs. Ten Thousand)** by the petitioner No.1 in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

lata/-

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

