

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1296 of 2024

Arising Out of PS. Case No.-698 Year-2023 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Prakash Kumar S/o Late Umesh Kumar Singh R/o Village-Koraigodawaha, P.S-Vibhutipur, District-Samastipur.
2. Aasu Kumar S/o Ramsewak Gupta R/o village-Choubey ke Sarai, P.S-Sultanpur, District-Fatehabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with P.R.
No. 698 of 2023 arising out of Excise P.S. Case No. 698 of 2023
registered for the offences punishable under Sections 30(a) and
32(3) of the Bihar Prohibition and Excise (Amendment) Act ,
2018.

3. As per prosecution case, there was alleged
recovery of 339 litre foreign liquor from the swift car in
question and petitioner no. 1 is alleged to have been found
seated in the said car and petitioner no. 2 is alleged to be driver
of the said car and both were apprehended on the spot.



4. Learned counsel for the petitioner submits that petitioners are in custody since 12.10.2023 and bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel orally submits that petitioners are not the owner of the seized vehicle in question. He further submits that petitioner no. 1 is said to have apprehended on the spot as a passenger and petitioner no. 2 as a driver of the seized vehicle and both have no knowledge that illicit liquor kept in the said vehicle. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case.

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

6. 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) each with two sureties of the like amount each to the satisfaction of learned



Spl. Judge Excise No. II, Kaimur at Bhabua in connection with
P.R. No. 698 of 2023 arising out of Excise P.S. Case No. 698 of
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)

vashudha/-

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