

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.922 of 2024

Arising Out of PS. Case No.-797 Year-2023 Thana- KANTI District- Muzaffarpur

1. Ravindra Kumar @ Ravindra Son of Shree Chandra @ Chand Resident of village- Anangpur, p.s.- Surajkund, district- Faridabad (Hariyana)
2. Kapil @ Kapil Bhadana Son of Raja @ Raje Resident of village- Anangpur, p.s.- Surajkund, district- Faridabad (Hariyana)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rambabu Yadav

For the Opposite Party/s : Mr.Tapeshwar Sharma

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.

The petitioners seek bail in connection with Kanti P.S. Case No. 797 of 2023 registered for the offences punishable under Sections 30(a), 32(ii), (iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, 3519.36 litre foreign liquor was recovered from truck in question and both petitioners apprehended on spot.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this



case. It is further submitted that petitioners are not the owners of the truck in question and they have no knowledge about the illicit liquor kept in the said vehicle. Petitioner no. 1 being driver and petitioner no. 2 being co-driver of the said vehicle have to follow the instructions of owner to earn their livelihood. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioners are in custody since 12.10.2023. 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 petitioners 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 Judge (Excise) Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 797 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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