

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1540 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- BIKRAMGANJ District- Rohtas

1. Shahid Hussain @ Laddu S/O Anwar Hussain R/O Village- Sakla Bazar, P.O - Sakla Bazar, P.S- Karakat, Distt.- Rohtas, Bihar.
2. Prakash Kumar S/O Shiv Nath Chaudhary R/O Village- Lawana, P.S- Basauri, P.S- Sikarhatta, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawaz Shareef

For the Opposite Party/s : Mr.Braj Kishore Pd.(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
Bikramganj P.S. Case No. 539/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, there was alleged
recovery of 214.32 liters foreign liquor from Tata Winger Van.
Petitioner no.1 was alleged to be driver and petitioner was
alleged to be co-driver of the said van and apprehended on the
spot.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. The petitioners are not in any way connected with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 26.09.2023 and bear no criminal antecedent. He further submits that the petitioners are not the owner of the alleged vehicle in question. Petitioner no.1 is merely a driver and petitioner no.2 is a co-driver of the said vehicle and have no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioners have to follow the instruction of his owner to earn the livelihood. He further submits that the petitioners were not concerned with the seized liquor. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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 Exclusive Special Excise Court no.01, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 539/2023, 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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