

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.920 of 2024

Arising Out of PS. Case No.-1261 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Suman Kumar Son of Sajjan Kumar Resident of Village- Mathai, Ps- Madhepura, Distt- Madhepura.
2. Rajeev Kumar Son of Bachhu Yadav @ Bucho Yadav Resident of Village- Ward No. 05, Professar Colony, PS- Madhepura, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 2215 of 2024

Arising Out of PS. Case No.-1261 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Ashish Kumar Son of Rajiv Prasad Yadav @ Sanjeev Yadav Resident of Village- Kamalijari, Ps- Patarghat, OP- Sourbazar, Dist- Saharsa.
2. Rajan Kumar Son of Gajendra Yadav Resident of Village- Vishanpur, PS- Sourbazar, Dist- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 920 of 2024)
For the Petitioner/s : Mr.Anil Chandra
For the Opposite Party/s : Mr.Chandra Bhushan Prasad
(In CRIMINAL MISCELLANEOUS No. 2215 of 2024)
For the Petitioner/s : Mr.Anil Chandra
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-01-2024 Learned counsel for the petitioners is permitted to

make necessary correction in para 11 of the bail petition during

course of the day.



2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 1261/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, there was alleged recovery of 30.75 liters foreign liquor from Tigor car bearing registration No.BR-01FX-1730 and 132.12 liters foreign liquor was also recovered from Tigor car bearing registration no. BR-11AY-4033. The petitioners were apprehended on the spot.

5. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR. The petitioner Suman Kumar is the owner of the Tigor car bearing registration No.BR-01FX-1730 in question. He further submits that co-accused Sanjeev Yadav is the owner of the Tigor car bearing registration no. BR-11AY-4033. The petitioners were not concerned with the seized liquor. The petitioners are apprehended on the spot merely on suspicion and nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 06.11.2023. The petitioners bear no criminal antecedent



except petitioner Ashish Kumar bears criminal antecedent of one case. He further submits that there is no compliance of Section 100 Cr.P.C. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

7. Considering the facts and circumstances of the case, period of custody, 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 Judge-I, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 1261/2023, 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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