

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1375 of 2024

Arising Out of PS. Case No.-759 Year-2023 Thana- Excise P.S. District- Aurangabad

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1. Sonu Kumar Gupta SON OF SURESH PRASAD GUPTA RESIDENT OF VILLAGE- SIRIDIH, PS- MADANPUR, DISTT- AURANGABAD
 2. NITISH KUMAR SON OF RAJ BALLAV YADAV RESIDENT OF VILLAGE- SIRIDIH, PS- MADANPUR, DISTT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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 Aurangabad Excise Case No. 759 of 2023 registered for the offences punishable under Section 30(a), 32(1) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 112.32 litre country made liquor from the car in question and petitioners are said to have apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are in custody since 01.10.2023 and bear no criminal



antecedent. He further submits that petitioners are neither owner nor driver of the car in question rather they have taken lift in the said car and apprehended on the spot on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no knowledge that illicit liquor kept in the said car. He further submits that 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 II, Aurangabad (Bihar) in connection with Aurangabad Excise Case No. 759 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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