

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1414 of 2024

Arising Out of PS. Case No.-1027 Year-2023 Thana- Excise P.S. District- Gopalganj

1. Sanjay Kushwaha Son of Late Vishwanath Bhagat R/O Village- And Po- Sasamusa, Ps- Kuchaikote, Dist- Gopalganj.
2. Dilip Kumar Yadav @ Dilip Kumar Son of Late Lalan Yadav R/O Village- Badi Khajuri, Po- Sasamusa PS- Kuchaikote, Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

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
Gopalganj Excise P.S. Case No. 1027/2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per prosecution case, there was alleged
recovery of 75 liters country made liquor from the possession of
the petitioners and both were 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 04.10.2023 and bear no criminal antecedent. He further submits that the petitioners were not concerned with the seized liquor. He further submits that the petitioners were agricultural farmer and merely on suspicion he has been roped in the present case. Except suspicion, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law.

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 Additional Sessions Judge-IV cum Special Judge, Excise-II, Gopalganj in connection with Gopalganj Excise P.S. Case No. 1027/2023, 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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