

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2022 of 2024

Arising Out of PS. Case No.-766 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Subodh Kumar Son of Bindeshwar Yadav R/o vill - Bhawarpura Jale, P.S. - Darbhanga, Distt. - Darbhanga
2. Sudhir Kumar Son of Vinod Yadav R/o vill - Bhawarpura Jale, P.S. - Darbhanga, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

1. The petitioners seek bail in connection with Saraiya P.S. Case No. 766 of 2023 registered for the offences punishable under Sections 272, 273 and 34 of Indian Penal Code and Section 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act.

2. As per prosecution case, 1717.200 litre foreign liquor was recovered from twelve wheeler truck in question and petitioners were apprehended on the spot.

3. Learned counsel for the petitioners submits that petitioner no. 1 is co-driver and petitioner no. 2 is driver of the



said truck in question. Learned counsel orally submits that petitioners are not owner of the said truck in question. They have nothing to do with the alleged occurrence. Petitioners have no knowledge regarding the said liquor that has been kept in the said truck. Petitioners are in custody since 11.11.2023 and bear no criminal antecedent. Petitioners are quite innocent and has committed no offence as alleged against him in F.I.R.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, 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 Special Judge, Excise Court No. II, Muzaffarpur in connection with Saraiya P.S. Case No. 766 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)

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