

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2549 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- Excise P.S. District- Gaya

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1. Sujeet Kumar Ray @ Sujeet Kumar @ Sujeet Kr. @ Sujit Paswan son of Mahendra Paswan Vill-Barakala, PS-Kothi, Dist-Gaya
 2. Santu Kumar Son of Vijay Paswan Vill-Barakala, PS-Kothi, Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

1. The petitioners seek bail in connection with Excise (Sherghati) P.S. Case No. 162 of 2023 registered for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Amendment Act, 2018.

2. As per prosecution case, 403.560 litre foreign liquor was recovered from tempo in question and petitioners were apprehended on the spot.

3. Learned counsel for the petitioners submits that petitioners are neither driver nor owner of the said tempo in question. They were apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record



to demonstrate the complicity of the petitioners with the alleged occurrence. Petitioner have no concern with the alleged recovery. Petitioners are in custody since 25.11.2023 and bear no criminal antecedent. Petitioners are quite innocent and have committed no offence as alleged against him in F.I.R. and they have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner.

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 Exclusive Excise Court No. - 3, Gaya in connection with Excise (Sherghati) P.S. Case No. 162 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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