

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3210 of 2024

Arising Out of PS. Case No.-602 Year-2023 Thana- DARIYAPUR District- Saran

1. Amit Kumar Son of Sachidanand Singh Resident of Village - Sitalpur Kothi,
P.S. - Dariyapur, District - Saran At Chapra.
2. Vishal Kumar Son of Mohan Prasad Resident of Village - Sitalpur Bazar,
P.S. - Dighwara, District - Saran At Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Dariyapur P.S. Case No. 602/2023 registered for the offences
punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged
recovery of 518.4 liters foreign liquor from Bolero vehicle in
question and the petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that
petitioners are innocent and have falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioners. The petitioners are languishing in custody since 13.09.2023. Learned counsel for the petitioner orally submits that the petitioners bear criminal antecedent of one case each and in both cases they are on bail. He further submits that petitioners were not concerned with the seized liquor. He further submits that at the time of occurrence the petitioners were going to purchase fish and in the meantime some unknown persons were fleeing away and on the basis of suspicion they were apprehended on the spot. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioners were neither owner nor driver of the said vehicle in question. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Dariyapur P.S. Case No. 602/2023, 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)

amitkumar/-

U		T	
---	--	---	--

