

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3073 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- NIRMALI District- Supaul

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1. Suraj Kumar S/o Vijay Banjara R/o Village- Lalmaniya, Kanjar Tola, Ward No. 11, P.S.- Supaul Nadi Thana, Distt- Supaul
 2. Ajay Kumar S/o Kari Banjara R/o Village- Lalmaniya, Kanjar Tola, Ward No. 11, P.S.- Supaul Nadi Thana, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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.

2. The petitioners seek bail in connection with Nirmali P.S. Case No. 237 of 2023 corresponding to Session Case, Excise No. 4303 of 2023 registered for the offences punishable under Sections 411, 413, 420/34 of the IPC and Section 37 of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, petitioners are said to have apprehended in an intoxicated condition on the basis of breath analyzer test. It is further alleged that one motorcycle was also recovered for which they disclosed that the said



motorcycle is stolen one and they have purchased the same in Rs. 10,000/-.

4. Learned counsel for the petitioners submits that petitioners are in custody since 24.10.2023 and bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. He further submits that petitioners are quite innocent and have committed no offence as alleged in the FIR.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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.2 Civil Court, Supaul in connection with Nirmali P.S. Case No. 237 of 2023 corresponding to Session Case, Excise No. 4303 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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