

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82418 of 2024

Arising Out of PS. Case No.-411 Year-2024 Thana- TEKARI District- Gaya

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1. Ritesh Kumar Son of Satendra Prasad @ Satyendra Kumar Village- Nasriganj Ward No. 33, P.S.- Danapur, District- Patna
 2. Guddu Kumar Son of Ram Nath Roy Village- Lodipur Ward No. 1, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Tekari P.S. Case No. 411 of 2024 instituted for the offences under Sections 338, 336(3), 336(4), 340(2), 318(4), 61(2) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, the police has recovered total 1247.625 liters of illicit foreign liquor from the Bolero Pick-up van. It is alleged that the petitioners were arrested on spot.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized vehicle or the alleged recovery of the illicit liquor. The owner of the seized Pick-up van is Raju Kumar Yadav who had instructed the petitioners for transportation of loaded vehicle and the petitioners had no knowledge about the illicit liquor being kept in the alleged vehicle. The petitioner no.1 is the driver whereas petitioner no.2 is the Khalasi of the alleged vehicle. The petitioners have no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 08.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tekari P.S. Case No. 411 of 2024, , subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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