

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89943 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- BARAUNI District- Begusarai

1. Kaushal Kishore Rai @ Kaushal Kishore S/o Late Umesh Sharma R/o Vill- Pipra Devas, P.S.- Barauni, District- Begusarai
2. Navneet Kumar S/o Late Nand Kishore Ray R/o Vill- Pipra Devas, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioners and learned
APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Barauni P.S. Case No. 274 of 2024 instituted for the offences under Section 30(a), 32(1), 32(2), 32(3), 33, 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered total 4500 liters illicit spirit from the Mahindra Service Centre, Bolero pick-up van and from a ape-mini van.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The petitioners have not committed any offence as alleged in the F.I.R. The petitioner no.1 is the owner of the Petrol Pump and



the petitioner no.2 is his nephew who works as a Manager and, nothing incriminating articles has been recovered from the Arya Petrol Pump. The petitioners had no knowledge of any offence being committed in the premises of U.S. Automobile. Nothing incriminating has been recovered from the physical/conscious possession of the petitioners. There is no direct, indirect, circumstantial or conspiratorial evidence against the petitioners except the statement of the Chowkidar Rajesh Paswan. The petitioners have nothing to do with the alleged occurrence and they have been falsely implicated in the present case on the disclosures made by the Chowkidar Rajesh Paswan with whom the petitioners have enmity relating to land. The petitioner no.1 was previously made accused in Barauni P.S. Case No. 472 of 2023 in which he has been acquitted. Thereafter, the petitioners have been made accused for the same set of incident in Barauni P.S. Case No. 275 of 2024. 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 are in judicial custody since 14.11.2024/28.11.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

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



petitioners, stating that the offence alleged against the petitioners is serious in nature. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners, let the petitioners, 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 Barauni P.S. Case No. 274 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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