

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14358 of 2018**

Arising Out of PS.Case No. -98 Year- 2017 Thana -SISWAN District- SIWAN

- =====
1. Shivnath Bin son of Muneshwar Prasad @ Bin.
  2. Mantu Bin son of Rajendra Bin-both resident of Siswan Paschim Tola,  
P.S. Siswan, District-Siwan.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Utsav Kumar

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      13-03-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners are languishing in judicial custody since 30.10.2017 in connection with Siswan P.S. Case No. 98 of 2017 for offences punishable under Sections 272, 273, 308 of the Indian Penal Code and Section 30A, 38(1) of Bihar Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that huge quantity of country made liquor is kept near the house of one late Raja Yadav in Nahar, the police raided and confiscated 936.6 liters of country made wine. The local people named the petitioner along with three others who were engaged in selling illicit liquor. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that nothing has been recovered from their conscious possession and that other co-accused named in the F.I.R. have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 40847 of 2017 on 25.08.2017 and Cr. Misc. No. 54311 of 2017 on 15.11.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that both petitioners do not have a clean antecedent and some cases are pending against them for similar offence.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 learned A.D.J.II-cum-Special Judge, Excise, Siwan in connection with Siswan P.S. Case No. 98 of 2017 with a condition that if the petitioners, after their release in this case, is again found involved in similar nature of cases then the concerned court would be at



liberty to take steps for cancellation their bail bonds.

That apart, in view of the antecedent of the petitioners, they would be required to appear before the Superintendent of Police, Siwan within fifteen days of their release with a copy of this order and every month thereafter for the next six months. The conduct of the petitioners will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of police, a certificate will be filed by the petitioners before the court concerned which should be granted by the Superintendent of Police concerned upon their appearance.

**(Nilu Agrawal, J)**

Devendra/-

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