

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 82508 of 2019**

Arising Out of PS. Case No.-403 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. NIRAJ KUMAR Son of Shambhu Prasad Resident of Village - Chakiya, P.S.- Mahadewa O.P., District - Siwan
2. Dinesh Thakur Son of Prem Thakur Resident of Village - Mahadewa, P.S.- Mahadewa O.P., District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Siwan Mufassil Police Station (for brevity, *PS*) Case No 403 of 2019 instituted for the offence under Section(s) 272, 273, 414 of Indian Penal Code and Sections 30 (a) and 41 (i) of Bihar Excise and Prohibition Act.

It is submitted that having no criminal antecedent, the petitioners are in custody since 25.10.2019 on alleged recovery of 540 liters of country made liquor from the Bolero Vehicle. Petitioner No 2, it is submitted, is a Driver having no knowledge of the contents of the vehicle and petitioner No 1 was a bona fide passenger who had also no information regarding the



contents of the vehicle.

Considering the aforesaid, 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 the Additional Sessions Judge II -cum- Special Judge (Excise), Siwan in connection with Siwan Mufassil PS Case No 403 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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