

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24830 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. KUMAR MIRGENDRA S/o Devendra Narayan Nirala Resident of Village- Kumar Khat, P.S.- Ladaniya, District- Madhubani
 2. Krishna Kumar S/o Amol Rai Resident of Village- Sisbar, P.S.- Phulparas, District- Madhubani.
 3. Pankaj Chaudhary @ Pankaj Kumar S/o Ram Chandra Chaudhary Resident of Village- Karaiyak, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.
For the Opposite Party/s : Mrs. Pushpa Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the parties through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are accused in connection with P.R. No. 105/21-22 Special Case No. 239 of 2022 under Sections 30(a) of the Bihar Prohibition and Excise Act (Amendment) Act, 2018.

The allegation, as alleged in the FIR, is that Excise Police has got information that illicit liquor is being carried by Maruti Suzuki SX4. The vehicles were being thoroughly



checked in which four persons were sitting. On search, 214.905 liters of illicit liquor was recovered. Accordingly, the FIR was lodged and the petitioners have been taken into custody.

Learned counsel for the petitioners submits that the police has alleged to have recovered/seized 214.905 liters of foreign liquor from the Maruti Suzuki SX4. However none of the three petitioners are either the driver or the owner of the said vehicle and they had simply taken lift little realizing that the said car is carrying liquor. For the said alleged misadventure, despite having no criminal antecedent, the petitioners have suffered a lot by being in custody since 24.03.2022 (as stated in paragraph-15 of the bail application).

Taking into account the averments made in the bail application that the petitioners are neither the driver nor the owner of the vehicle, have no criminal antecedent, they are in custody since 24.03.2022 (as stated in paragraph-15 of the bail application) as also the fact that the charge sheet stands submitted, this court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned District and



Sessions Judge -IV, Special Judge (Excise), Kishanganj in connection with P.R. No. 105/21-22 Special Case No. 239 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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