

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68070 of 2021

Arising Out of PS. Case No.-456 Year-2021 Thana- SURSAND District- Sitamarhi

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1. Saurabh Jha S/o Sanjay Jha @ Sanjay Kumar Jha R/o village- Koriyahi, P.S.- Sursand, District- Sitamarhi
 2. Shiv Shankar Kumar S/o Ram Ekbal Mandal R/o village- Bhaluahi, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Divya Bharti, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-05-2022 Heard Mrs. Divya Bharti, learned counsel for the
petitioners and the State.

Let the defect(s), if any, be removed within four
weeks.

The two petitioners are in judicial custody in
connection with Sursand P.S. Case No.456 of 2021 instituted
under Section 414 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, the police was on a night
patrolling and when they reached Rato bridge it is alleged that
they found two motorcycles coming from the opposite direction
upon seeing the police they tried to flee away but were
apprehended who disclose their names as Rajesh Kumar, Shiv



Shankar Kumar, Saurabh Jha and Manas Kumar Jha. Upon search jute bags containing 240 bottles of Nepali Saufi Wine of 300 ml. each which totals 72 liters were recovered/seized.

Two of the aforesaid accused persons namely, Saurabh Jha and Shiv Shankar Kumar are before this Court. Learned counsel for the petitioners submits that both of them have no criminal antecedent and if they are released on bail and it is found that they have criminal antecedent, the bail granted to him may become infructuous. She further submits that the two petitioners are in jail since 27.09.2021.

Considering the fact that the charge sheet stand submitted, the petitioners do not have criminal antecedent and are in jail since 27.09.2021; this Court is inclined to grant them privilege of bail, but if it is found that contrary to the statement made in para-3, if any of them have criminal antecedent, the bail order so far as that person is concerned, shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Sursand P.S. Case No.456 of 2021 to the satisfaction of learned A.D.J.IInd,-cum-Special Judge, Excise Act, Sitamarhi, subject to following conditions:



(i) one of the bailor should be the family member of the petitioners, 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 cancellation of their bail by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month 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 steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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