

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71434 of 2021

Arising Out of PS. Case No.-469 Year-2021 Thana- NAUBATPUR District- Patna

1. Satya Rai @ Satya Kumar son of Sri Raj Balam Prasad
2. Awadhesh Rai @ Awdhesh Kumar son of Sri Suresh Prasad Singh
Both resident of village Mirapur, P.S. Masaudhi District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022

Heard learned counsel for the parties.

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

The petitioners are in judicial custody in connection
with Naubatpur P.S. Case No. 469 of 2021 for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation in the FIR is that the police got
information that on an Auto, two persons were carrying liquor
and after search of the said vehicle, 100 liters of country made
'Mahua' kept in a plastic bag were recovered/seized. In this
way the FIR was lodged and the petitioners came into judicial
custody.

Learned counsel for the petitioners submit that the



petitioners were merely a passenger of the said commercial auto and had nothing to do with the alleged seizure and/or had no knowledge of the said presence of 'Mahua' in the Auto.

Considering the fact that the petitioners do not own the vehicle and have no criminal antecedent as also that they are in jail since 14.09.2021 (as stated in paragraph-11 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Naubatpur P.S. Case No. 469 of 2021, subject to the following conditions.

(i) both 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 his 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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