

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34224 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. CHANDAN KUMAR Son of Nand Lal Mahto Resident of village - Matiar Kala, P.S. - Sahiyara, Distt. - Sitamarhi, at present Sanjiv Nagar, ward no. 20, P.S. - Punaura, Distt. - Sitamarhi
 2. Deepak Kumar Son of Nand Lal Mahto Resident of village - Matiar Kala, P.S. - Sahiyara, Distt. - Sitamarhi, at present Sanjiv Nagar, ward no. 20, P.S. - Punaura, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard the parties.

The petitioners apprehend their arrest in connection with Excise P.S. Case No. 246 of 2023 for the offence punishable under Sections 30 (a), 32 (3) of the Bihar Prohibition and Excise Act 2018 lodged on 18.02.2023 by the informant Manoj Kumar.

As per the prosecution story, from the house of the petitioner 38.42 liters of foreign made liquor was/were covered.

It is the submission of the learned counsel for the petitioner that it is a joint house for which the petitioners herein cannot be faulted and further, they do not have criminal



antecedent.

Learned APP opposes the prayer stating that the recovery is from the house.

Considering the submission put forward the learned counsel for the petitioners, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioners in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, 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 Exclusive Special Excise Court- II, Sitamarhi in connection with Excise P.S. Case No. 246 of 2023 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 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 reason will entail cancellation of their bail bond by the Trial Court itself;

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



attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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)

Jagdish/Jyoti/-

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