

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40709 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- KANTI District- Muzaffarpur

SAKINDRA KUMAR @ SAKINDAR KUMAR S/o- RAM NARAYAN
SINGH Village- Bengaha Ps- Nanpur Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 40999 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- KANTI District- Muzaffarpur

RAM PRAVESH PATEL @ RAM PRAVESH RAI S/O SHATRUDHAN
RAY RESIDENT OF VILLAGE KODARIYA P.S RUNNISAIDPUR
DISTRICT SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40709 of 2023)

For the Petitioner/s : Ms. Pooja Kumari, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 40999 of 2023)

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Ms. Pooja Kumari, learned Counsel for the

petitioner in Cr. Misc. No. 40709 of 2023 and Mr. Ratneshwar

Prasad, learned Counsel for the petitioner in Cr. Misc. No.

40999 of 2023.

The petitioners are accuseds in connection with

Kanti P.S. Case No. 340 of 2023 registered for the offences



under sections 30(a), 32(i)(ii), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018 lodged on 08.05.2023 by the informant, Umakant Singh.

It has been alleged in the FIR that the police intercepted a bus. However, driver stopped the bus and ran away. In the basement of the said bus, 1522.920 litres of foreign liquor was recovered/seized.

As per the FIR, the accused persons including these petitioners enquired from the police as to what is happening in the bus and thus police suspected them, the said consignment belongs to them. Accordingly, FIR followed by the arrest.

It is the contention of the learned counsels that they were mere onlookers and as they found the police inside the bus, out of curiosity went there and got themselves implicated. The further submission is that the petitioners in both the cases do not have criminal antecedent and is in custody since 09.05.2023.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is huge recovery of foreign liquor.

Considering the fact that the recovery/seizure is from the abandoned bus and not from the personal possession of the two petitioners herein, they have remained in custody since



09.05.2023 and do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

Let the petitioners 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 the learned Special Judge (Excise) Court -II, Muzaffarpur in connection with Kanti P.S. Case No. 340 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *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 month for next one year to mark 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 their 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)

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