

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54012 of 2023

Arising Out of PS. Case No.-369 Year-2023 Thana- FATEHPUR District- Gaya

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1. RAHUL RAJ S/O RAMANUJ SHARMA R/O VILLAGE- BELADIH, PS. BELAGANJ, DIST. GAYA
 2. SURAJ KUMAR S/O RAMPIRIT YADAV R/O VILLAGE- AKAL BIGHA, PS. BELAGANJ, DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Fatehpur P.S. Case No.369 of 2023 instituted under Sections 30(a) of Bihar Prohibition & Excise Amendment Act, 2018 lodged on 30.05.2023 by the informant Ravikant Kumar.

As per the prosecution story, the police intercepted a Sumo car and recovered/seized 97.5 liters foreign liquor. Two persons tried to escape but were apprehended. This followed the FIR.

It is the case of the petitioners that they being driver and cleaner had no knowledge about the presence of the liquor in the car, they have already suffered by being in custody since 31.05.2023 para-9 of the petition) and do not have criminal



antecedent.

Learned APP opposes the prayer for bail.

Considering the fact that the petitioners are young boys, have no criminal antecedent and are in custody since 31.05.2023, FIR lodged will ultimately face the trial, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Fatehpur P.S. Case No.369 of 2023 to the satisfaction of learned Excl. Addl. Sessions Judge-cum-Excl. Spl. Excise Court No.01, Gaya, 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 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 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.

(Rajiv Roy, J)

Prakash Narayan

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