

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53770 of 2023**

Arising Out of PS. Case No.-184 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Khagaria

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1. SUNNY KUMAR SON OF RAJESH RAJAK RESIDENT OF VILLAGE-  
MAHESHKHUNT (BICHALI TOLA), PS- MAHESHKHUNT, DIST-  
KHAGARIA
  2. JITENDRA MAHTO SON OF SAHEB MAHTO RESIDENT OF  
VILLAGE- RATAN, WARD NO. 9, PS- GOGARI, DIST- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Miss. Jolly Sinha, Advocate  
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      23-08-2023                      Heard the parties.

The petitioner is in custody since 29.04.2023 in connection with GR (Excise) Khagaria P.S. Case No. 429C3 of 2023 for the offence punishable under Sections 30 (a) of Bihar, Prohibition and Excise Amendment Act 2018, lodged on 28.04.2023 by the informant, Upendra Kumar.

As per the prosecution story, a 10 wheeler truck was intercepted and 304.500 liters foreign liquor was/were recovered. Two persons, the Driver and Cleaner were arrested. Accordingly, the FIR.

Learned counsel for the petitioners submit that they are Driver and Cleaner, poor persons, little realizing that the



goods that has been booked in the truck is/are also carrying liquor, they are in custody, this has put the respective families on the verge of starvation and are ready to abide by all the terms and conditions.

Learned APP opposes the prayer stating that there is recovery of 307.509 liters.

Taking into account the submission put forward by the learned counsel for the petitioners, is in custody since 29.04.2023, both of them do not have criminal antecedent and will be deliberately facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner 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 Special Excise Judge IInd, Khagaria, in connection with GR (Excise) Khagaria P.S. Case No. 429C3 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 petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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 petitioner 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.

Before parting, this Court would like to put on record its word of appreciation for Ms. Jolly Sinha, learned counsel for the petitioner for proper assistance in the matter.

**(Rajiv Roy, J)**

Jagdish/-

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