

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50410 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- ARWAL District- Jehanabad

1. BOSU KUMAR S/O GORA PASWAN R/O VILLAGE- RAFIGANJ, RAJABIGHA, PS. RAFIGANJ, DIST. AURANGABAD
2. MANOJ KUMAR SINGH @ MANOJ KUMAR S/O NANESHWAR SINGH R/O VILLAGE- CHANDAULI, PS. KASMA, DIST. AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioners are accused in connection with Arwal P.S. Case No. 289 of 2023 registered for the offences under sections 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 10.06.2023 by the informant, Sanjeev Kumar Rai.

As per the prosecution story, the police intercepted a ‘*Scorpio*’ and a truck although there was no recovery from ‘*Scorpio*’. 6922.44 litres of foreign liquor was recovered/seized from the truck which followed by the FIR.

It is the case of the learned Counsel for the petitioners that the truck does not belong to them, the petitioner no. 2 was



driver of the '*Scorpio*' and unnecessary the recovery/seizure from the truck have been connected with the '*Scorpio*' which was moving ahead for which they have suffered since 11.06.2023 (as stated in paragraph 13 of the bail application) only because of criminal antecedent.

The last submission is that similar situate Rajesh Kumar Gupta has since been released on bail vide Cr. Misc. No. 48911 of 2023 by a co-ordinate bench on 04.08.2023.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid facts that the alleged recovery is from the truck which does not belong to the two petitioners, there is no recovery from the '*Scorpio*', they have remained in custody since 11.06.2023 and one of the co-accused has since been granted bail, 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 Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge, Excise II, Jehanabad in connection with Arwal P.S. Case No. 289 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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