

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52108 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- KANTI District- Muzaffarpur

1. Vicky Kumar Son Of Mohan Bhagat Resident Of Village - Kharika, P.S. - Minapur, District - Muzaffarpur
2. Vicky Kumar Son Of Rajesh Patel Resident Of Village - Kharika, P.S. - Minapur, District - Muzaffarpur
3. Rohit Kumar Son Of Satan Ray Resident Of Village - Kharika, P.S. - Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Special (N.D.P.S.) Case No. 36 of 2022 arising out of Rail Khagaria P.S. Case No. 144 of 2022 for the offence punishable under Sections 401, 414 of the I.P.C. and sections 25(1-B)a, 26, 35 of the Arms Act and sections 20, 22 of the NDPS Act lodged on 25.9.2022 by the informant Arbind Kumar Ram.

As per the prosecution story, the police intercepted a pick-up van and recovered/seized 644.04 liters of illicit foreign liquor, followed by FIR.

Learned counsel for the petitioners submit that they



are labourers and were sitting in the pick-up van, little realizing that beside them, the van is also carrying liquor. They are neither the owner nor the drivers.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioners, they are labourers, are in custody since since 15.6.2023 (para-13 of the petition) and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Court No. II, Muzaffarpur, in connection with Kanti P.S. Case No. 444 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 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 month for next one year 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)

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