

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52003 of 2023

Arising Out of PS. Case No.-254 Year-2023 Thana- KATEYA District- Gopalganj

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1. MANU KUSHWAHA SON OF DHARAM CHANDRA BHAGAT R/O-KOISHA KHURD, P.S.-KATEYA, DISTT.-GOPALGANJ
 2. BHUSHAN GOND @ SONU @ HULCHUL SON OF BISHRAM GOND R/O-RAKBA RAJA, P.S.-PATHERWA, DISTT.-KUSHINAGAR (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Bihari Singh, 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 Kateya P.S. Case No.254 of 2023 instituted under Section 30(a) of Bihar Prohibition & Excise Amendment Act, 2018 lodged on 08.06.2023 by the informant Riyaz Hussain.

As per the prosecution story, the police intercepted a motorcycle coming from Uttar Pradesh and recovered/seized 77 liters of countrymade wine. This followed the FIR/arrest.

It is the case of the learned counsel for the petitioners that only because the motorcycle belongs to him, he has been implicated by the police. Both of them are students, and have remained in custody since 08.06.2023 (para-9 of the petition).

Learned APP opposes the prayer for bail.



Considering the aforesaid submissions put forward by the learned counsel for the petitioners as also that both are young boys of 19 years and 18 years respectively, they do not have criminal antecedent and are in custody since 08.06.2023, 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 Kateya P.S. Case No.254 of 2023 to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Excise, I, Gopalganj, 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 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;



(iv) 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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