

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51220 of 2023

Arising Out of PS. Case No.-462 Year-2023 Thana- BEUR District- Patna

1. Shashi Ranjan Kumar S/O Pramod Kumar R/O Village- Ghaghar, P.S- Bajirganj, Distt.- Gaya.
2. Gulshan Kumar S/O Ram Ratan Kumar R/O Village- Semariya, P.S- Pakari Barawam, Distt.- Nawada.
3. Kunal Kumar S/O Ram Naresh Singh @ Ramnresh Singh R/O Village- Lal Bigha, P.S- Kashichak, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Beur P.S. Case No. 462 of 2023 for the offence punishable under Section 30(a), 37 of Bihar Prohibition of Excise Act lodged on 12.7.2023 by the informant, Anil Kumar.

The prosecution story, in brief, is that from the flat which was raided, 146.1 liters of whisky was recovered/seized while from the Sumo vehicle, 81 liters of whisky was also recovered/seized.

The petitioners were arrested from the flat and are in custody since 12.7.2023(para-11 to the petition).



Learned counsel for the petitioners submit they have been arrested only because they were in an inebriated state, already suffered despite the fact that none of them has criminal antecedent. Further, they had nothing to do with the alleged recovery.

Learned APP opposes the prayer.

Considering the aforesaid fact/submission put forward by the learned counsel for the petitioners as also that they have remained in custody since 12.7.2023 and they do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Beur P.S. Case No. 462 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 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 the 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.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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