

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51351 of 2023

Arising Out of PS. Case No.-546 Year-2023 Thana- SONEPUR District- Saran

1. Rohan Singh @ Aman Son Of Sri Sachindra Singh Permanent Address- Village- Darveshpura, Ps- Saksohra, Dist- Patna (WRONLY Written As Nalanda In Fir), Presently Residing In House Of Subodh Singh, Rajiv Nagar Road No.12, Ps- Rajiv Nagar, Dist- Patna
2. Vivek Kumar Son Of Mahesh Kumar Resident Of Mohalla- Rajiv Nagar, Road No. 25f, House No. A-7, Ps- Rajiv Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, 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 Sonapur P.S. Case No.546 of 2023 instituted under Section 30(a), 32(2), 41(i)(ii) of Bihar Prohibition and Excise Act, 2016 lodged on 28.06.2023 by the informant Kundan Kumar Tiwary.

As per the prosecution story, the police upon a information near Hariharnath Temple lower road intercepted a car and scooty and a recovered/seized 177.32 liters foreign liquor.

It is the case of the petitioners that the alleged recovery is from Alto car which does not belong to them, while the petitioner no.1 was sitting on the scooty, the said scooty belongs to the mother of petitioner no.2 which resulted into their



implications. The last submission is that they are in custody since 29.06.2023 (para-13 of the petition) only because they have one criminal antecedent of same nature.

Learned APP opposes the prayer for bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioners as also that alleged recovery/seizure is from a Alto car which does not belong to these petitioners, have remained in custody since 29.06.2023, this Court is inclined to grant him 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 Sonapur P.S. Case No.546 of 2023 to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra, 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 petitioner shall appear before the concerned police station every fortnight for next six months 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.

(Rajiv Roy, J)

Prakash Narayan

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