

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50499 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- MAIRWAN District- Siwan

1. ANAND KUMAR SON OF GURUDEO RAI R/O-SONEPUR BHINNI TOLA, P.S.-SONEPUR, DISTT.-SARAN
2. ROHIT KUMAR SON OF KASHI RAI R/O-SONEPUR BHINNI TOLA, P.S.-SONEPUR, DISTT.-SARAN
3. SAHEB HUSSEN @ SAHEB HUSSAIN SON OF AFAJAL HUSSAIN R/O-PAHARICHAK PARVEJA BANDH SONEPUR, P.S.-SONEPUR, DISTT.-SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard Mr. Deepak Kumar Singh, learned Counsel
for the petitioners and learned APP for the State.

The petitioners are accuseds in connection with Mairwa P.S. Case No. 203 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 03.07.2023 by the informant, Vimal Singh.

As per the prosecution story, the police intercepted a car coming from Uttar Pradesh and recovered 84 litres ‘beer’ followed by arrest/FIR.

It is the case of the learned Counsel for the petitioners that the car does not belong to them, they were in Gorakhpur to



attend a marriage and were returning in the said car having little knowledge about the presence of 'beer'.

Further, they are young boys of 22 years, students and have suffered by being in custody since 04.07.2023.

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

Considering the aforesaid submissions put forward by the learned Counsel for the petitioners as also that the car does not belong to them and they are student, 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 Exclusive Special Excise Court No. 1, Siwan in connection with Mairwa P.S. Case No. 203 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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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