

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50897 of 2023

Arising Out of PS. Case No.-570 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

-
1. Sonu Kumar Son Of Umesh Sah Resident Of Village - Pachlakhi, P.S. - Nautan, District - Siwan
 2. Tarkeshwar Sah Son Of Late Mahajan Sah Resident Of Village - Pachlakhi, P.S. - Nautan, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioners are in custody in connection with Excise P.S. Case No. 570 of 2023 for the offence under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 04.06.2023 by the informant, Sunil Kumar Yadav.

As per the prosecution story, the allegation is that the recovery is from the Scorpio of 990 liters of Indian made foreign liquor and further, the petitioners were on a motorcycle which was moving ahead. Accordingly, they have been implicated as liner in the F.I.R.

It is the case of the learned counsel for the petitioners



that whatever recovery is there, is from the Scorpio not from the motorcycle and only on suspicion, they have been considered liner and are in custody since 05.06.2023 (as stated in paragraph 12 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 their period of custody i.e. 05.06.2023, there has been no recovery from the motorcycle, 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 Exclusive Special Judge, Court No.-II, Siwan, in connection with Excise P.S. Case No. 570 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner 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 appear before the concerned police station every fortnight for six months 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)

kiran/-

U		T	
---	--	---	--

