

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51009 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- KALER District- Jehanabad

1. SHAMBHU LAL NAYAK @ SHAMBHU LAL SON OF KERING JI R/O-AMLIYA JI KA KHEDA, P.S.-DUGLA, DISTT.-CHITTORGARH (RAJASTHAN).
2. KESHO LAL MINA SON OF UDAL LAL MINA R/O-BARNI, P.S.-BINDER, DISTT.-UDAYPUR (RAJASTHAN).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate
For the Opposite Party/s : Ms.Gulnar Begum, 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 Kaler P.S. Case No. 65 of 2023 for the offence punishable under Sections 420, 467, 468, 471 of the I.P.C. lodged on 21.5.2023 by the informant, Sanjeet Singh.

As per the prosecution story, the police intercepted the truck and inside the husk of paddy 6849.72 liters of English wine was recovered/seized.

It has been contended by the learned counsel for the petitioners that they are driver and cleaner of the said truck, had loaded the husk of paddy, little realising that in between the wine has been kept. They are from the Rajasthan, have already



suffered by being in custody since 22.5.2023 (para-7 of the petition).

Learned APP Ms. Gulnar Begum opposes the prayer stating that from the truck, they were driving, the recovery/seizure has been made.

Considering the aforesaid submission put forward by the learned counsel for the petitioners as also that both of them do not have criminal antecedents, will be diligently appearing in trial as has been undertaken by the learned counsel for the petitioners, 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-2 Excise, Jehanabad, in connection with Kaler P.S. Case No. 65 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 his 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 month for next one year 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)

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