

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51984 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- BAUNSI District- Banka

1. CHANCHAL MANDAL SON OF SHANKAR MANDAL RESIDENT OF VILLAGE- KHAGAHA, PS- CHANDIPUR, DIST -PURVI MEDNIPUR, WEST BENGAL
2. SANATAN MAITI SON OF SHANKAR MANDAL RESIDENT OF VILLAGE- KHAGAHA, PS- CHANDIPUR, DIST -PURVI MEDNIPUR, WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Bounsi P.S. Case No.159 of 2023 instituted under Section 30(a) of the Bihar Excise and Prohibition Act, 2018 lodged on 01.06.2023 by the informant Pankaj Kishore.

As per the prosecution story, a pickup van was intercepted and 696 liters foreign liquor were recovered/seized and the petitioners were arrested on the spot. Accordingly, the FIR.

The case of the petitioners is that they are driver and cleaner of the pickup van, had no knowledge about the presence of the liquor hiding inside the coconut which was being carried.



They do not own the vehicle and were only transporting it from one place to other but landed in jail and both of them being bread earners of their respective family, they are on the verge of starvation.

Learned APP opposes the prayer for bail stating that they were caught along with the illicit liquor.

Taking into account the submissions put forward by the learned counsel for the petitioners, their period of custody 02.06.2023 as also the fact that they don't have criminal antecedent, this Court is inclined to grant them 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 Bounsi P.S. Case No.159 of 2023 to the satisfaction of learned Additional District & Sessions Judge, Ind, Banka, 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

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

