

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51722 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- MAIRWAN District- Siwan

1. RAHUL PRASAD Son of Late Umesh Prasad RESIDENT OF VILLAGE CHITAHAI P.S JAMOBABAZAR DISTRICT SIWAN
2. Akbar Ali Son of Mahboob Alam Resident of village - Majhwaliya, P.S. - Jamobazar, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv

For the Opposite Party/s : Mr.Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Mairwa P.S. Case No. 197 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016 lodged on 01.07.2023 by the informant, Jyoti Patel.

As per the prosecution story, the police during patrolling 319 liters and 680 ML foreign liquor was/were recovered/seized. Accordingly, the FIR.

The case of the petitioners is/are that the owner had given the vehicle to take the same to a particular destination little realizing that it is carrying the illicit liquor. They have



already suffered by being in custody since 02.07.2023 (as stated in paragraph-10 of the petition)

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioners as also that they do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioners, above named, be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Court No. 1, Siwan in connection with Mirwa P.S. Case No. 197 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 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 the bail bonds.

(Rajiv Roy, J)

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