

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54591 of 2023

Arising Out of PS. Case No.-222 Year-2023 Thana- GOH District- Aurangabad

1. SONU BIND son of Pradeep Bind Village- Rajapur Ps- Goh, Dist- Aurangabad
2. Sandeep Bind son of Pradeep Bind Village- Rajapur Ps- Goh, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioners are accuseds in connection with Goh P.S. Case No. 222 of 2023 registered for the offences under sections 30(a) of the Bihar Excise Prohibition Amendment Act lodged on 27.06.2023 by the informant, Sanjay Krishna.

As per the FIR, on secret information, the Police reached '*Barham Asthan*' and on the sight of police, two persons tried to escape after throwing the bags. They were apprehended and gave names as Sonu Bind and Sandeep Bind (the petitioners herein). From the bags, 35 litres of country made liquor recovered/seized. Accordingly, the FIR.

Learned Counsel for the petitioners submit that they



are innocent and have been implicated in this case by the police. They have remained in custody since 28.06.2023 (as stated in paragraph 1 of the bail application) and are ready to abide by all terms and conditions.

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

Taking into account the recovery, the period of custody and the fact that the petitioners shall be diligently appearing in Trial, 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 Special Judge Excise II, Aurangabad in connection with Goh P.S. Case No. 222 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 month for next one year 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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