

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55659 of 2023

Arising Out of PS. Case No.-570 Year-2023 Thana- SHERGHATI District- Gaya

1. Videshi Kumar Son Of Suresh Chaudhary Resident Of Village- Ghaghar, Ps- Sherghati, Distt- Gaya
2. Jugesh Kumar @ Jugesh Chaudhry Son Of Kail Chaudhary Resident Of Village- Ghaghar, Ps- Sherghati, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sherghati P.S. Case No. 570 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 1.6.2023 by the informant, Rameshwar Pandey.

As per the prosecution story, a motorcycle was intercepted and upon search, from the dickey 5.58 liters of English wine whereas from the bag 19.42 liters of foreign liquor totalling 24 liters were recovered/seized. The accused was taken into custody and the FIR lodged.

It is the case of the petitioners that they have been



implicated by the police. The motorcycle does not belong to them and they have suffered by being in custody since 02.06.2023 (para-13 of the petition) and none of them has criminal antecedent.

Learned APP opposes the prayer stating that there is recovery from them.

Considering the aforesaid submission put forward by the learned counsel for the petitioners, the motorcycle does not belong to them, they do not have criminal antecedents and are in custody since 02.06.2023, 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 Excise Court No.2, Gaya, in connection with Sherghati P.S. Case No. 570 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/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 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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