

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55675 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- GOPALPUR District- Gopalganj

1. Prameshwer Kumar Gupta @ Prameshwar Kumar S/O Punlal Sah @ Punkal Sah R/O Village- Mustafabad, Ps. Goriya Kothi, Dist. Siwan
2. Rahul Kumar S/O Ram Nath Mahto R/O Village- Mustafabad, Ps. Goriya Kothi, Dist. Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 No one appears on call on behalf of the petitioners though learned APP is present.

The petitioners are in judicial custody in connection with Gopalpur P.S. Case No. 174 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 19.7.2023 by the informant, Darparn Suman.

As per the prosecution story, upon knowledge that liquor is coming from Uttar Pradesh, the vehicle checking took place and in the process, a motorcycle was intercepted and 45 liters of bunti-babli country made liquor recovered/seized, followed by the arrest/FIR.



As per the petition, nothing has been recovered from the conscious possession, they were just sitting on the motorcycle, little knowledge about the presence of the liquor and has suffered by being in custody since 21.7.2023 (para-14 of the petition) and further do not have criminal antecedent.

Learned APP opposes the prayer stating that recovery is from the motorcycle.

Taking into account the averment made in the petition as also that both are young boys, no criminal antecedent and have remained in custody for a month, 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 Additional Session Judge-IV-cum-Spl.-Judge, Excise Court-1, Gopalganj, in connection with Gopalpur P.S. Case No. 174 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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