

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53578 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- JAYNAGAR District- Madhubani

1. SANJEEV KUMAR S/o- MANSHUKH RAI RESIDENT OF VILLAGE LOHA, P.S KALUAHI ,DISTRICT MADHUBANI
2. Kishan Rai son of Chunchun Rai RESIDENT OF VILLAGE LOHA, P.S KALUAHI ,DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in judicial custody in connection with Jaynagar P.S. Case No. 241 of 2023 registered under Sections 272, 273 and 414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 07.06.2023 by the informant, Budhdev Ram.

3. As per the prosecution story, the motorcycle loaded with liquor was intercepted and 176 liters 400 ml Nepali liquor recovered/seized. After another information, the place of occurrence was raided and from accused, Dilip Sahni, 23 liters



500 ml foreign liquor recovered/seized. This led to lodging of the FIR.

4. It is the case of the petitioners that the motorcycle does not belong to him, he was a pillion rider little realizing that the vehicle is carrying liquor for which he has already suffered by being in custody since 08.06.2023 (as stated in paragraph-10 of the petition).

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Considering the facts on record, the submission put forward by the learned counsel for the parties, he is in custody since 08.06.2023 and will be facing the trial, this Court is inclined to extend the privilege of bail.

7. Let the petitioners 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 Additional Sessions Judge 2nd cum Special Judge Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 241 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 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 the bail bonds.

(Rajiv Roy, J)

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