

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55836 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. Vishnu Mandal S/o Late Bajnath Mandal R/o vill - Rohiya, P.S. - Azam Nagar (Salmari O.P.), Distt. - Katihar
2. Suman Kumar @ Suman Kumar Mandal Son of Prakash Mandal R/o vill - Rohiya, P.S. - Azam Nagar (Salmari O.P.), Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Singh Son of Braj Kishore Sharma R/o vill - Chand, P.S. - Makdumpur, Distt. - Jehanabad, Presently posted at Azamnagar Police Station, Distt. - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Chandra Prasad, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Azam Nagar P.S. Case No. 130 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act and Section 414 of the Indian Penal Code lodged on 14.04.2023 by the informant, Satyendra Singh.

3. As per the prosecution story, the allegation is that the police during vehicle checking intercepted the accused persons on a motorcycle and recovered/seized 42 liters foreign liquor. Accordingly, the arrest/FIR.

4. It is the case of the petitioners that they have been



implicated by the police for which they have already suffered by being in custody since 15.04.2023.

5. Learned APP opposes the prayer stating that they have been apprehended with the seized liquor.

6. Taking into account the fact that both the petitioners do not have criminal antecedent, are young boys of 21-22 years, have remained in custody since 15.04.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioners, above named, 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 Sessions Judge-II, Katihar, in connection with Azam Nagar P.S. Case No. 130 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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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