

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55656 of 2023

Arising Out of PS. Case No.-610 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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1. PRAVEEN KUMAR S/o Virendra Prajapati @ Birendra Prajapati R/o vill - Bazitpur, P.S. - Aurangabad Mufassil, Distt. - Aurangabad (Bihar)
 2. Deepak Kumar Son of Gupteshwar Vishwakarma R/o vill - Bazitpur, P.S. - Aurangabad Mufassil, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioners are accuseds in connection with Excise P.S. Case No. 610 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 01.08.2023 by the informant, Anupam Kumari.

As per the prosecution story, the police intercepted a motorcycle and recovered 32.4 litres country made liquor. Accordingly, the FIR.

It is the case of the petitioners that they are young boys, students, have been falsely implicated, they do not have criminal antecedent though the motorcycle belongs to the



brother of the petitioner no. 2.

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

Taking into account the fact that both are students, do not have criminal antecedent, are young boys, keeping them in jail with hardened criminals will serve no purpose and are in custody since 02.08.2023 (as stated in paragraph 16 of the bail application), 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 2nd, Aurangabad (Bihar) in connection with Excise P.S. Case No. 610 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 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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