

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58049 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- BALIA BELON District- Katihar

1. SURAJ KUMAR PASWAN S/O- LAXMAN PASWAN R/O- RAUTARA RAILWAY GUMTI, P.S.- RAUTARA, DIST- KATIHAR
2. SHRAWAN KUMAR MEHTA @ SARWAN KUMAR S/O- LATE AWADH MEHTA R/O- RAMBAG TOLA, P.S.- UDAKISHANGANJ, DIST- MADHEPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioners are in custody in connection with Balia Belon P.S. Case No. 61 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 15.05.2023 by the informant, Ashish Kumar.

As per the prosecution story, the Police in course of vehicle checking intercepted a Scorpio and recovered/seized 385.59 liters different kind of English wine. Accordingly, the FIR.

Learned counsel for the petitioners submits that they are driver and assistant driver of the Scorpio, taking the passengers little realizing that some of them left the liquor to



save themselves from the Police which resulted into their custody since 16.05.2023 (as stated in paragraph 15 of the petition). Further, none of them have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioners, they do not have criminal antecedent, are in custody since 16.05.2023, FIR lodged and will be facing the trial, 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 Court of Exclusive Special Excise Court No.-1, Katihar, in connection with Balia Belon P.S. Case No. 61 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 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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