

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57078 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- PUNPUN District- Patna

1. VIJAY KUMAR son of Sanjay Prasad Village- Shahora Ps- dhanarua Dist- Patna
2. Dilip Kumar son of Sanjay Yadav Village- Khariya Ps- Dhanarua Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Punpun P.S. Case No. 201 of 2023 read with Special Case No. 5460 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 6.7.2023 by the informant, Dharmendra Kumar.

As per the prosecution story, the informant on patrolling duty intercepted a motorcycle and recovered 75 liters of country made liquor. The apprehended persons were Vijay Kumar and Dilip Kumar (the petitioners herein), this followed the FIR.

It is the case of the petitioners that they have been falsely implicated, the liquor was actually recovered from Daniawan Bihta Rail Line Bridge. They were fishing in a pond



keeping their motorcycle on road but recovery has been shown from the said motorcycle which belongs to the petitioners. Further submission is that they are in custody since 7.7.2023 (para-4 of the petition) and do not have criminal antecedents.

Learned APP opposes the prayer for bail.

Taking into account the aforesaid submission of the learned counsel for the petitioners, the recovery is not from their conscious possession, both of them do not have criminal antecedents, they are students, are in custody since 7.7.2023, 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 Special Judge, Excise, Patna, in connection with Punpun P.S. Case No. 201 of 2023 read with Special Case No. 5460 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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