

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57854 of 2023

Arising Out of PS. Case No.-465 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. VISHAL KUMAR SON OF VIRCHANDRA SINGH RESIDENT OF VILLAGE - CHANDPURA SAIDABAD, P.S. - BIDUPUR, DISTRICT - VAISHALI
 2. UPENDRA KUMAR RAI SON OF LATE RAM JANAM RAI RESIDENT OF VILLAGE - PAHLEJA SAHPUR DIYARA, P.S. - SONEPUR, DISTRICT - SARAN (CHAPRA)
 3. BIJENDRA KUMAR SON OF VANSHI RAI RESIDENT OF VILLAGE - MURTHAN, P.S. - SONEPUR, DISTRICT - SARAN (CHAPRA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioners are accuseds in connection with Hajipur Excise P.S. Case No. 465 of 2023 registered for the offences under sections 30(a), 32(i), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Act lodged on 21.07.2023 by the informant, Ganesh Chandra.

As per the prosecution story, the police intercepted a Maruti Suzuki Breza vehicle and recovered/seized 270 litres of foreign liquor. Accordingly, the FIR.

Learned Counsel for the petitioners submit that they



were bonafide passenger/driver of the car, the recovery has been made from the 'dicky' of the car, they had no knowledge that liquor is present, already suffered by being in custody since 22.07.2023 (as stated in paragraph 13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that they were driving the car from which recovery has been made.

Considering the fact that the recovery is from 'dicky' of the car, nothing from their conscious possession, are in custody since 22.07.2023, FIR lodged and will be facing the trial, 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 Exclusive Special Excise Court No. II-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 465 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 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 their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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