

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58845 of 2023

Arising Out of PS. Case No.-524 Year-2023 Thana- FATEHPUR District- Gaya

1. Ranjeet Kumar S/O Mahesh Prasad R/O Rajivnagar, P.S- Rajivnagar, Distt.- Patna.
2. Golu Kumar @ Saurav Kumar S/O Late Shankar Kumar Prasad @ Shankar Kumar R/O Finance Colony, P.S- Rajivnagar, Distt.- Patna.
3. Golu Raj @ Gaurav Anand S/O Bharatdev Prasad R/O Mathura Patn Mathura, P.S- Rajivnagar, Distt.- Patna.
4. Sonu Kumar S/O Suresh Sharma R/O Ranipur Harnaha Tola, P.S- Khajkala, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Fatepur P.S. Case No. 524 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 16.7.2023 by the informant, Ravikant Kumar.

3. As per the prosecution story, upon secret information, four wheelers were intercepted and from Renault, 27 liters of Indian Made Foreign Liquor whereas from Volkswagen Polo 141 liters of Indian Made Foreign Liquor were recovered/seized which followed the FIR and arrest.



4. It is the case of the petitioners that they own Volkswagen Polo, had no concern with the alleged recovery which was planted to implicate them. They are students in the age group of 22-23 years, have remained in custody since 17.7.2023 (para-11 of the petition) and will abide by all the terms and conditions.

5. Learned APP opposes the prayer stating that most of the petitioners are having criminal antecedents.

6. Considering the submission put forward by the parties, the materials on record as also the fact that they are young persons, are in custody 17.7.2023, FIR lodged and ultimately they will have to face the trial, this Court is inclined to extend them the privilege of bail with conditions.

7. 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 Additional Sessions Judge cum Exclusive Special Excise Court No.1, Gaya, in connection with Fatepur P.S. Case No. 524 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.

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

(Rajiv Roy, J)

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