

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58641 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. Sudhir Kumar S/O Shivshankar Sah R/O Village- Jhapha (NEURI), Ps. Ahiyapur, Dist. Muzaffarpur
2. Sanu Kumar @ Sonu Kumar S/O Shashi Ranjan Singh R/O Village- Babakhal, Ps. Gayghat, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

The petitioners are in judicial custody in connection with Mohammadpur P.S. Case No. 184 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 31.7.2023 by the informant, Amit Kumar Sah.

As per the prosecution story, a Maruti Suzuki was intercepted and 243.4 liters of foreign liquor recovered/seized and the accused persons arrested.

It is the case of the petitioners that nothing has been recovered from their conscious possession, the car does not belong to them, have already suffered by being in custody since



1.8.2023 and do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into account the fact that both are young persons and do not have criminal antecedent, 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 Additional Sessions Judge-II cum Special Judge Excise-1st, Gopalganj, in connection with Mohammadpur P.S. Case No. 184 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 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 petitioner 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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