

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58871 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- PURAINI District- Madhepura

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1. MADHAV KUMAR S/o- WAKIL SINGH Village- Aaurai W.No-6, Ps-
Puraini Dist- Madhepura
 2. Nitish Kumar son of Ashok Singh Village- Aaurai W.No-6, Ps- Purnia Dist-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioners are in custody in connection with Puraini P.S. Case No. 155 of 2023 for the offence under section 30(a) of Bihar Excise and Amendment Act, 2016 lodged on 15.07.2023 by the informant, Kanhaiya Kumar.

3. As per the prosecution story, a motorcycle was intercepted by the Police, two persons were apprehended and recovered/seized 51.500 liters of illicit country made mahua liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that they are the brothers, were coming from the market, the Police stopped them and altercation took place whereafter they were



implicated. Further, they are in custody since 15.07.2023 (as stated in paragraph 10 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account that both the petitioners are young boys, students, are in custody since 15.07.2023 and do not have criminal antecedent, 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-VII-cum-Special Judge, Excise-II, Madhepura, in connection with Puraini P.S. Case No. 155 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner 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.

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

(Rajiv Roy, J)

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