

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64715 of 2023

Arising Out of PS. Case No.-591 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Shrawan Kumar Son Of Niranjan Bind R/O Village- Chhewari, Ps- Ramgargh, Dist- Kaimur At Bhabhua
2. Shrikesh Gupta Son Of Braj Lal Sah R/O Village- Chhewari, Ps- Ramgargh, Dist- Kaimur At Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

3. The petitioners seek regular bail in connection with
Mohania P.S. Case No. 591 of 2023 dated 21.08.2023, lodged
under Sections 414 of the I.P.C. read with Sections 30(a), 47 of
the Bihar Prohibition and Excise Amendment Act, 2018.

4. As per the prosecution case, the F.I.R. has been
lodged against three known accused persons including the
petitioners. The total recovery of 117 litre country-made illicit
liquor has been made from a Tata Indigo Car, which is the

subject matter of the present case.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the petitioners are neither driver nor owner of the said vehicle. Counsel further submits that the petitioners have taken lift under wrong impression. Counsel further submits that the antecedents of the petitioners are clean and they are in custody since 21.08.2023.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise No. 1-cum-A.D.J.- IVth, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 591 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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