

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64545 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- BENIPATTI District- Madhubani

1. Ranjit Sah @ Ranjeet Sah Son Of Late Bindeshwar Sah Village- Sisadih, P.S.- Sadar, Dist- Darbhanga
2. Raj Kumar Das Son Of Late Ganesh Das Village- Sisadih, P.S.- Sadar, Dist- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Benipatti P.S. Case No. 171 of 2023, lodged on 27.07.2023 under Sections 272, 273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total recovery of 108 litres of Nepali Saufi is the subject matter of the present case which has been alleged to be recovered from a Maruti Suzuki Alto Car.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He



further submits that the antecedent of the petitioners are clean and they are in custody since 28.07.2023. Learned counsel submits that neither the petitioners are owner nor khalasi as well as driver of the said vehicle. In fact, the petitioners under wrong impression have taken lift from the said vehicle and were completely unaware about the illegal materials being kept in the said vehicle.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. 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) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Benipatti P.S. Case No. 171 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 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.

(Dr. Anshuman, J.)

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