

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65739 of 2023

Arising Out of PS. Case No.-476 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

1. PRATOSH KUMAR SON OF ASHOK MAHTO VILLAGE- LAXMIPUR, PS- BARBIGHA, DISTT- SHEIKHPURA
2. ANSHU KUMAR SON OF AJAY KUMAR R/O PAPARNAUSA, PS- NOORSARAI, DISTT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
Mr. Saroj Kumar Chaudhary, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-12-2023 Heard Mr. Saroj Kumar Chaudhary, learned counsel
for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in connection with Laheri P.S. Case No. 476 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 05.08.2023 by the informant, Vikash Kumar Yadav.

3. As per the prosecution story, the police received secret information about accused persons assembled in a house of one Ashutosh Kumar for the purpose of Cyber Crime. Accordingly, raid was conducted and Suraj Kumar, Kundan Kumar and Yogesh Kumar were arrested. They gave the names of those who escaped as Pratosh and Anshu (the petitioners herein) there was a recovery of numbers of ATM Card as also 360 ml imperial blue whiskey were recovered/seized. Accordingly, two FIRs were lodged one being Laheri P.S. Case



No. 475 of 2023 under different Sections of IT Act and the present case Laheri P.S. Case No. 476 of 2023 under the Bihar Prohibition and Excise Act, 2018.

4. Learned counsel for the petitioners submits that he had nothing to do with the alleged recovery/seizure. Those arrested have named them in their confession. Accordingly, they have dragged in.

5. Learned APP opposes the prayer and submits that they were indulged in the Cyber Crime.

6. The present case relates to Excise Act in which recovery is of two bottles of 180 ml (360 ml) and an FIR has already been lodged and they will be facing the music.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Laheri P.S. Case No. 476 of 2023 to the satisfaction of learned Additional District and Session Judge-IV cum Special Excise, 2nd, Nalanda, Bihar Sharif subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

Adnan/-

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