

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69101 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- KUTUMBA District- Aurangabad

1. BIMLESH KUMAR son of Kavi Mehta Village- Itwa Ps- Tandwa Dist- Aurangabad
2. Nitish Kumar son of Rajendra Chandravanshi Village- Itwa Ps- Tandwa Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2023

Heard the parties.

2. The petitioners are in custody in connection with Kutumba P.S. Case No. 179 of 2023 for the offence under sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 23.07.2023 by the informant, Prashant Trivedi.

3. As per the prosecution story, the police during the checking of the vehicle, intercepted a 'tempo' loaded with wine and recovered/seized altogether 213.84 liters wine. Accordingly the FIR.

4. Learned counsel for the petitioners submit that the 'tempo' does not belong to them nor they were drivers rather



had boarded the 'tempo' little realizing that the liquor is present in it and only because they have criminal antecedent, have been implicated, both of them are students.

5. Further, the submission is that without accepting the allegation, the petitioners intends to deposit Rs. 5,000/- each with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer for bail stating that both of them have criminal antecedent.

7. Taking into account the fact that both of them are 22 years and 19 years of age, have remained in custody since 24.07.2023, the recovery is not from their conscious possession, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 5,000/- each as undertaken by the learned counsel for the petitioners to be deposited with the Patna High Court Legal Services Committee.

8. Let the petitioners, above named, 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 Court of Special Judge Excise No. -01, Aurangabad, in connection with Kutumba P.S. Case No. 179 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/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 month for one year to mark his 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 his bail bonds.

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

(Rajiv Roy, J)

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