

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73052 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- NAUGACHIA District- Bhagalpur

1. Guddu Kumar Paswan S/o- Radhe Paswan Resident of Village- Nayatola Manihari, P.S.- Manihari, District- Katihar.
2. Pintu Kumar @ Pintu Kumar Sah S/o- Parmanand Sah Resident of Village- Nayatola Manihari, P.S.- Manihari, District- Katihar
3. Amit Kumar Singh @ Manik Singh S/o- Fekan Singh Resident of village- Rampur Diara, P.S- Muffasil, District- Sahebganj
4. Lokanath Kumar @ Loknath Kumar Singh S/o- Rajkumar Singh Resident of Village- Rampur Diara, P.S.- Muffasil, District- Sahabganj
5. Rakesh Kumar Yadav S/o- Bhawan Yadav Resident of Village- Mahihari Simbudih, P.S- Manihari, District- Katihar
6. Gopal Kumar S/o- Ramzakas Mandal @ Ramjhokas Mandal Resident of Village- Babupur, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Naugachia P.S. Case No. 251 of 2023 corresponding to Excise Case No. 3657 of 2023 for the offence punishable under Sections 30(a) and 32(ii) of the Bihar Prohibition and Excise Act lodged on 22.7.2023 by the informant, Umashankar.

3. As per the prosecution story, a Maruti Suzuki Car as also Mahindra KUV were intercepted and altogether 45+24



(69) liters of foreign liquor were recovered/seized. This led to lodging of the FIR and the custody.

4. The case of the petitioners, six in numbers is/are that they are neither the owners nor drivers of the vehicle but have been dragged by the police in this case. Further, out of six petitioners, only the petitioner no.5 Rakesh Kumar Yadav is having criminal antecedent. They have already suffered by being in custody from the date of FIR (23.7.2023).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also that nothing has been recovered from their conscious possession, are in custody since 23.7.2023 and will be ultimately facing the trial, 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 Special Excise Judge-II, Bhagalpur, in connection with Naugachia P.S. Case No. 251 of 2023 corresponding to Excise Case No. 3657 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 fortnight for next 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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