

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69110 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- THAWE District- Gopalganj

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1. SAWRU RAM Son of Late Laxman Ram @ Lakhman Ram VILLAGE NAWKIGANJ GINDHARPUR, P.S BARHARIA, DISTRICT SIWAN
 2. DEVCHAND RAM Son of Late Nandjee Ram VILLAGE NAWKIGANJ GINDHARPUR, P.S BARHARIA, DISTRICT SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, 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 Thawe P.S. Case No. 247 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018 lodged on 22.08.2023 by the informant, Pintu Kumar.

3. As per the prosecution story, the police upon secret information, reached near bridge and saw accuseds trying to escape after throwing the gallon, they were arrested and further, upon search, total 65 liters country made liquor recovered from the gallon. Accordingly the FIR.

4. Learned counsel for the petitioners submit that so far as petitioner no. 1 is concerned, there is one criminal



antecedent of same nature while the petitioner no. 2 has no criminal antecedent, nothing has been recovered from their conscious possession and the presence of gallon has been attributed to these petitioners for which they have remained in custody since 23.08.2023 (as stated in paragraph 15 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioners as also the fact that there is no recovery from their conscious possession and have remained custody since 23.08.2023, this Court is inclined to extend them the privilege of bail with conditions.

7. 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 Addl. Sessions Judge-II-cum-Spl. Judge Excise-I, Gopalganj, in connection with Thawe P.S. Case No. 247 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 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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