

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73261 of 2023

Arising Out of PS. Case No.-393 Year-2023 Thana- GOPALPUR District- Bhagalpur

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1. MD. SHAHANWAJ @ MD. SHANWAJ SON OF JULFAKAR ALAM
VILLAGE UJANI P.S. NAUGACHIA DISTRICT BHAGALPUR
 2. RAHUL KUMAR SON OF BINAY PATEL VILLAGE RAJWARA
HALIMPUR P.S. SAHEBGANJ DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Gopalpur (Rangra) P.S. Case No. 393 of 2023 for the offence punishable under Sections 30(a), 32(ii) of the Bihar Prohibition and Excise Act lodged on 11.8.2023 by the informant, Bittu Kumar Kamal.

3. As per the prosecution story, the police intercepted a Bolero vehicle and recovered/seized 382.44 liters of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they being driver and the cleaner of the vehicle had no knowledge what has been loaded in the vehicle. It belongs to Danish Khan



and Raushan Kumar who had asked them to take the vehicle to Naugachia. They are poor persons and continuous judicial custody is resulting into their family in starvation situation.

5. Learned APP opposes the prayer for bail.

6. Considering the submission put forward by the parties as also the fact that they are driver and cleaner, have remained in custody since 12.8.2023 (para-6 of the petition) and do not have criminal antecedent, 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 Exclusive Special Excise Judge-I, Bhagalpur or his successor court, in connection with Gopalpur (Rangra) P.S. Case No. 393 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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