

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73023 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

1. SANJAY PAL Son of Tapeswar Pal Resident of Village - Bheria, P.S.- Nagar Dehri, District - Rohtas (Sasaram).
2. Ram Babu Son of Bharat Ram Resident of Village - Dehri-on-Sone Ward No.- 31, Mohalla - Nil Kothi Trigunamode, P.S.- Nagar Dehri, District - Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioners are accused in connection with Durgawati P.S. Case No. 287 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 20.08.2023 by the informant, Prabhas Kumar.

3. As per the prosecution story, the police upon secret information, intercepted two motorcycles and a pick up van and recovered altogether 175.560 litres country made liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that they are Driver and Cleaner, poor persons, no knowledge of the



materials that were loaded in the Pick Up Van, the family is suffering due to their custody since 21.08.2023 and none of them have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the aforesaid facts/submissions put forward by the learned Counsel for the petitioners as also that the recovery is from the Pick Up Van, they being the Driver/Cleaner, FIR lodged and will be ultimately facing the trial, is in custody since 21.08.2023 and do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge Excise No. II, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 287 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 their *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 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 their 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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