

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73278 of 2023

Arising Out of PS. Case No.-326 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. VISHNU KUMAR SON OF BABAN YADAV RESIDENT OF VILLAGE - DAULATPUR, P.S. - ARA MUFFASIL, DISTRICT - BHOJPUR
2. VIKASH KUMAR SON OF RAM JATAN SINGH RESIDENT OF VILLAGE - GARAHANI, P.S. - GARAHANI, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Sharda Kumari, 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 Jagdishpur P.S. Case No. 326 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 2.8.2023 by the informant, Prabhash Kumar Singh.

3. As per the prosecution story, a Tempo was intercepted and 380.160 liters of foreign liquor were recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that while petitioner no.1 is a driver, the petitioner no.2 is the cleaner. They had no knowledge what is loaded in the vehicle.



They are poor persons and their continuous judicial custody is putting their respective family on the verge of starvation. They have already suffered by being in custody since 3.8.2023 (para-14 of the petition).

Learned APP opposes the prayer stating that there is recovery from the Tempo.

Taking into account the submission put forward by the parties as also the fact that these two petitioners do not have criminal antecedent, are in custody since 3.8.2023 and will be ultimately facing the trial, this Court is inclined to extend them the privilege of bail with conditions.

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 Court No.1, Bhojpur, Ara, in connection with Jagdishpur P.S. Case No. 326 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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