

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73474 of 2023

Arising Out of PS. Case No.-495 Year-2023 Thana- SABAUR District- Bhagalpur

1. Rohit Kumar Son Of Tarni Ram Resident Of Village- Rakhabani Baghnocha, Ps- Dumka, Dist- Dumka Jharkhand
2. Rishi Kumar Son Of Birbal Ram Resident Of Village- Rakhabani Baghnocha, Ps- Dumka, Distt- Dumka, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Adv

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek regular bail in connection with Sabaur P.S. Case No. 495 of 2023, registered for the offence punishable under sections 30(a), 32(I)(II), 41 of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution story, the police, upon receiving information, intercepted a Tata vehicle as also the Scorpio and recovered altogether 189 liters foreign liquor. The petitioners who were driver and cleaner of the vehicle were taken into custody. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



had no knowledge of the material that has been loaded in their vehicle and it is their duty of carrying it from one distance to another and they had already suffered by being custody since 08.09.2023 (para-20 of the petition) and there is sufferings in their family too as they being the bread earners. Further, they do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the aforesaid facts as also their his period of custody and further both of the petitioners do not have criminal antecedent and have remained custody since 08.09.2023, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Excise Judge-II, Bhagalpur in connection with Sabaur P.S. Case No. 495 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 his/her 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 his 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 the bail bonds.

(Rajiv Roy, J)

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