

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73419 of 2023

Arising Out of PS. Case No.-441 Year-2023 Thana- SABAUR District- Bhagalpur

1. Pawan Kumar Son Of Sohan Raj @ Sohan Ray Village- Harpur Aihlot Ps- Musarigharari Dist- Samastipur
2. Sushil Kumar @ Shushil Kumar Son Of Manoj Ray W.No- 6, Village- Harpur Aihlot Ps- Musarigharari Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv

For the Opposite Party/s : Mr.Rajendra Singh, 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. 441 of 2023, registered for the offence punishable under sections 30(a), 32(i)(ii), 41 of Bihar Prohibition and Control Act.

3. As per the prosecution story, on secret information Swift Cr and Mazic Pick Up Van coming from Jharkhand were intercepted and the total recovery/seizure was/were of 618.63 foreign liquor. The petitioner no. 1 was sitting in the Swift Car while the Mazic Van was being driven by petitioner no. 2. They were arrested and the petitioners have been custody since



12.08.2023 (para-4 of the petition).

4. Learned counsel for the petitioners submits that they had absolutely no knowledge that in the car, the illegal liquor is being carried and they had already suffered by being custody since 12.08.2023, despite the fact that both of them 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 period of custody and further both of them do not have criminal antecedent and ultimately the facing the trial.

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 Spl. Excise Judge-II, Bhagalpur in connection with Sabaur P.S. Case No. 441 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)

uttam/-

U		T	
---	--	---	--

