

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4404 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- Excise P.S. District- Madhubani

1. Vishal Kumar Bhagat SON OF LALIT BHAGAT RESIDENT OF VILLAGE- GUNAKARPUR, WARD NO. 14, PS- LAKHNOUR, DIST- MADHUBANI BIHAR
2. SURENDRA PAL SON OF LATE BHOGI LAL RESIDENT OF VILLAGE- PANCHMANIYA, WARD NO. 8, PS- MADHEPUR, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioners are in custody in connection with Jhanjharpur Excise P.S. Case No. 131 of 2023 for the offence punishable under sectionn 30(a), 32(1), 32(3) of Bihar Prohibition and Excise Act (Amended) 2018 lodged on 01.12.2023 by the informant, Sanjay Paswan.

3. As per the prosecution story, the police intercepted a Santro car and recovered/seized 315 liters Nepali liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the petitioner no. 1 is the driver while the petitioner no. 2 is the owner, the police to implicate them, has made this seizure of



Nepali liquor for which they have already suffered by being in custody since 01.12.2023 (as stated in paragraph 23 of the petition).

5. Further, the submission is that without accepting the allegation, the petitioner no. 2 intends to deposit Rs. 15,000/- with the Bihar State Legal Services Authority.

6. Learned APP opposes the prayer for bail.

7. Taking into account the submissions put forward by the parties as also the fact that they do not have criminal antecedent and are in custody since 01.12.2023, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 15,000/- to be paid by the petitioner no. 2 as undertaken by the learned counsel for the petitioners.

8. 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 Special Judge Excise Act, Jhanjharpur, Madhubani, in connection with Jhanjharpur Excise P.S. Case No. 131 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 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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