

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4571 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- KALER District- Jehanabad

1. Manjit son of Naresh Village- Rora Rohana Ps- Kharkhoda Dist- Sonipat Haryana
2. Akshay son of Ishwar Village- Rora Rohana Ps- Kharkhoda Dist- Sonipat Haryana

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Kaler P.S. Case No. 156 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 16.10.2023 by the informant, Phulchandra Kumar Yadav.

3. As per the prosecution story, the police during vehicle checking, intercepted a truck and apprehended its driver and cleaner as 2073.6 liters of foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the truck was carrying certain items for which built and challan



were also available and which is part of the seizure list. They being driver and cleaner had no knowledge about the presence of the liquor in between. Both of them do not have criminal antecedents and irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10,000/- each to be paid to the Bihar State Legal Services Authority.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties as also that both are driver and cleaner, FIR lodged , ultimately they will have to face the trial, are in custody since 17.10.2023 (para-16 of the petition) and do not have criminal antecedents, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 10,000/- each as undertaken by the learned counsel for the petitioners to be paid with Bihar State Legal Services Authority with other conditions.

7. 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 Excise Court No II, Jehanabad, in connection with Kaler P.S. Case No. 156 of 2023 subject to the following conditions:



(i) one of the bailors should be a native of the State of Bihar 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.

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

(Rajiv Roy, J)

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