

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50890 of 2024

Arising Out of PS. Case No.-302 Year-2024 Thana- Excise P.S. District- Siwan

1. Mahesh Rai S/O Baijnath Rai R/O Village-Birpur,P.S.-Jurawanpur,Distt-Vaishali
2. Subhadra Devi W/O Suresh Singh R/O Village-Kutubpur Khalsa,P.S.-Bidupur,Distt-Vaishali
3. Shankari Devi W/O krishna Rai R/O Village-Rasulpur,P.S.-Desari,Distt-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners seek grant of regular bail in connection with Siwan Excise P.S. Case No. 302 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police in course of vehicle checking intercepted a tempo where the petitioners were found seated. On search total 150.850 litres illicit liquor was recovered.

4. Learned Advocate for the petitioners contended that in fact they were the *bona fide* passengers in the tempo and the



person who was carrying illicit wine succeeded in fleeing away, when the police intercepted; and on suspicion the petitioners were apprehended. It is next contended that the petitioners have neither any concern with the tempo nor with the alleged recovered illicit wine. The petitioners are persons of fair antecedent and now they are in custody since 14.05.2024.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have neither any concern with the tempo nor with the illicit wine, coupled with the fair antecedent and the period of custody, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Siwan in connection with Siwan Excise P.S. Case No. 302 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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