

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47008 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- SANHAULA District- Bhagalpur

1. Ram Kumar Das Son of Sudhir Ravidas @ Sugriv Ravidas R/O Vill.- Shital, P.S.- Mahgama, Dist.- Godda, Jharkhand
2. Shyam Kumar Son of Sudhir Ravidas @ Sugriv Ravidas R/O Vill.- Shital, P.S.- Mahgama, Dist.- Godda, Jharkhand

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Sanhoula P.S. Case No. 41 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 19.03.2024 by the informant, Gopal Kumar.

3. As per the prosecution story, the police upon secret information, intercepted a vehicle/tempo and besides the mobile phone recovered/seized total 66.750 liters of foreign liquor.

4. Learned counsel for the petitioners submit that both the petitioners are brothers, one of them is the driver while the other is sitting inside the vehicle, have been apprehended.



Further, they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that from the tempo the recovery has been made.

6. Though there is recovery, both the petitioners have already been remained in custody since 22.03.2024 and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with 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 Judge-II, Bhagalpur, in connection with Sanhoula P.S. Case No. 41 of 2024 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 month for next one year 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.

(Rajiv Roy, J)

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