

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60810 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- BRAHMPUR District- Buxar

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1. Mukesh Kumar @ Mukesh Sahu Son of Parsh Sah @ Parsh Sahu @ Paras Nath Prasad Village- Gayaghat Simra Nandpur Ps- Brahampur Dist- Buxar
 2. Ramjee Choudhary Son of Jawahar Choudhary Village- Arak Ps- Krishnabrahm Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Brahmpur P.S. Case No. 254 of 2024 for the offence under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act lodged on 28.05.2024 by the informant, Harendra Singh

3. As per the prosecution story, the informant upon secret information about selling of the wine by one Sriram Singh raided and recovered 17.1 litre foreign liquor. As the petitioners are living on rent in the house of Sriram Singh, they took were implicated.

4. Learned counsel for the petitioners submits that



they being the student, were on rent in the house of Sriram Singh, the recovery/seizure is from him and they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that though the house belongs to Sriram Singh actually, it was these two petitioners who were carrying the liquor.

6. Having gone through the facts of the case as also the submissions, the house belongs to Sriram Singh, these two petitioners were renters, they do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Excise Special Judge, Court II, Buxar in connection with Brahmpur P.S. Case No. 254 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative 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 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 his bail bonds.

(Rajiv Roy, J)

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