

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63040 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- MALSALAMI District- Patna

1. Suraj Kumar, Son of Ayodhya Prasad, R/o Village- Nakhas Pind Bagicha, P.S.- Malsalami, Dist- Patna
2. Krishna Kumar, Son of Munna Sao, R/o Village- Machhua Toli, Nakhas Devi Asthan, P.S.- Malsalami, Dist- Patna
3. Ritik Kumar, Son of Raj Kumar Sah, R/o Village- Nakhas Bagicha, P.S.- Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2024 Heard Mr. Arvind Kumar Pradhan, learned Advocate

for the petitioners and learned Additional Public Prosecutor for

the State.

2. This is an application for grant of bail to the
petitioners, who are in custody in connection with Malsalami
P.S. Case No. 288 of 2024 registered for the offences punishable
under Sections 468/471 of the Indian Penal Code and Sections
30(a)/30(d) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. The police on a tip off trafficking of illicit wine,
raided the house of Rajesh Rana and in course of raid found that



four persons, including the petitioners, were indulged in packaging the illicit wine. Altogether 95.50 litres of Indian made foreign liquor was recovered from the said house.

4. Learned Advocate for the petitioners contended that the alleged recovery has been made from the house of Piyus Kumar and the petitioner has neither any concern with the said Piyus Kumar nor with the alleged recovered illicit liquor. However, only on account of the fact that they were present there, the police arrested them on the basis of suspicion and save and except the suspicion, there is no other material against the petitioners. It is next contended that there are further infirmities in search and seizure and the witnesses are non-else, but the police personnel and, as such, in defiance of Section 100 of the Cr.P.C. It is lastly contended that co-accused, having identical allegation, has been allowed the privilege of bail by this Court in Cr. Misc. No. 56962 of 2024 vide order dated 21.08.2024. The petitioners are in custody since 17.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners bears one criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the



investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that co-accused person, having identical allegation, has been allowed the privilege of bail, let the petitioners, above named, 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 Ex. Special Judge Excise, Patna City, Patna in connection with Malsalami P.S. Case No. 288 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 their 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)

uday/-

U		T	
---	--	---	--

