

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69950 of 2024

Arising Out of PS. Case No.-1286 Year-2024 Thana- Excise P.S. District- East Champaran

1. Raushan Kumar S/o Sundeshwar Chaudhary R/o Village- Amawa Tola, ward No. 4, P.S.- Chiraiya, District -East champaran
2. Dhananjay Kumar Son of Baijnath Mukhiya R/o Village- Bara Jairam, P.S.- Chiraiya, District -East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024

Heard the parties.

2. The petitioners are in custody in connection with Excise P.S. Case No. 1286 of 2024 for the offence punishable under sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 05.08.2024 by the informant, Luv Kumar Paswan.

3. As per the prosecution story, the informant alleged that on secret information, the vehicle owners (motorcycles) were intercepted and there is recovery/seizure of 108 litre and 90 litre Nepali liquor from the two motorcycles. Raushan Kumar and Dhananjay Kumar were taken into custody. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they



are 19 and 20 years of age, students, only because of criminal antecedent, implicated. They have already remained in custody since 06.08.2024 (para 9 of the petition).

5. Learned APP opposes the prayer for bail submitting that they have criminal antecedent.

6. Considering the aforesaid submissions as also the fact that two petitioners are young boys, remained in custody since 06.08.2024, FIR lodged, they will be facing the trial, 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 Exclusive Special Excise, Court no-2, East Champaran, Motihari in connection with Excise P.S. Case No. 1286 of 2024 subject to the following conditions:

(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 his



bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for one year to mark his 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)

Vijay Singh/-

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