

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69501 of 2024

Arising Out of PS. Case No.-286 Year-2024 Thana- BHELDI District- Saran

1. Prakash Upadhayay S/o Binod Upadhayay @ Vinod Upadhyay R/o Village- Darauli, P.S.- Darauli, District- Siwan
2. Abhishek Kumar Son of Balindra Prasad R/o Village- Khalwa, P.S.- Nautan, District- Siwan
3. Praveen Kumar Yadav S/o Vyash Chaudhary @ Byash Chaudhary R/o Village- Narayanpur, P.S.- Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioners are in custody in connection with Bheldi P.S. Case No. 286 of 2024 for the offence punishable under sections 30(a) of Bihar Prohibition and Excise Act, lodged on 02.09.2024 by the informant, Rupanjay Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, a vehicle was intercepted and 170 liters of foreign liquor recovered/seized. Those who were apprehended including these petitioner. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that admittedly, the vehicle belongs to Manoj Gupta, they were taken for ride little knowing that the car is carrying liquor for which they have already suffered by being in custody since 02.09.2024



(paragraph no.17 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the petitioners on their own would like to contribute Rs.5,000/- each totaling Rs.15,000/- to the District Legal Services Authority Saran at Chapra (exclusively for the purchase of journals) through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the 'NAZARAT' of concerned Court.

5. Learned APP opposed the prayer submitting that when the police intercepted the car, they were sitting in the vehicle.

6. Considering the aforesaid submissions put forward by the parties and also the fact that the car owner is Manoj Gupta, these petitioners do not have criminal antecedent and have remained in custody since 02.09.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5,000 each totaling Rs. 15,000/- as undertaken by the learned counsel for the petitioners to be paid to the District Legal Services Authority, Saran at Chapra (exclusively for the purchase of journals) by Demand Draft of local State Bank of India and the receipt has to be submitted to the Trial Court.

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 1st Exclusive Special Excise Court, Saran at Chapra, in connection with P.S. Case No. 286 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 six months 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 their bail bonds.

(Rajiv Roy, J)

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