

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69671 of 2024

Arising Out of PS. Case No.-322 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Dinesh Kumar S/o- Nathuni Sahni Resident of village- Mirzapur PS- Kalyanpur District- Samastipur
2. Suraj Das Son of Arjun Das Resident of village- Mirzapur PS- Kalyanpur District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shanker Singh
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Kuchaikote P.S. Case No. 322 of 2024 for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 27.07.2024 by the informant, Arvind Pd. Yadav.

3. As per the prosecution story, during patrolling, a car was intercepted in which Dinesh Kumar (petitioner herein) who was driving the car as also Suraj Das and Prabhat Kumar were present. 94.62 litres of foreign liquor recovered/seized and as there was no document and the liquor is banned in the State of Bihar, the arrest took place which followed the FIR.



4. Learned counsel for the petitioners submits that though they were present in the vehicle, had no knowledge about the liquor being kept in the car. They have already suffered by being in custody since 27.07.2024 (para-11 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that admittedly, recovery has been made from the car in which they were travelling.

6. Though there has been recovery from the car, nothing has been recovered from their conscious possession, have got no criminal antecedent and have remained in custody since 27.07.2024, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners, above named, 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 Additional Sessions Judge-IV-cum-Exclusive Special Excise Court no.II, Gopalganj in connection with aforesaid P.S. Case, subject to the following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show his 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 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 their bail bonds.

(Rajiv Roy, J)

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