

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72131 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1.

Aman Kumar Son of Basant Kumar Singh Resident of Village- House No 301, Goshai Tola, PS -Patliputra, Dist- Patna
2.

Subham Das son of Pradip Das village- Navratna Hata, Purnia, Ps- Kha-janchi Hat, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard the parties.

2. The petitioners are in custody in connection with Durgawati P.S. Case No. 230 of 2024 for the offence under Section 30(a) of the Bihar Excise and Prohibition Act, Amendment Act, lodged on 07.08.2024 by the informant, Ramjivan Kumar.

3. As per the prosecution story, the informant alleged that upon information, the Maruti Suzuki Grand Vitara was intercepted and there is recovery/seizure of 226.950 liters foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that they do not have criminal antecedent, students, the vehicle does



not belong to them, only they are passengers, implicated. The further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10,000/- each to the District Legal Service Authority, Kaimur at Bhabua, through Demand Draft issued by the local branch of the State Bank of India (exclusively for the purchase of Journals).

5. Learned APP opposes the prayer for bail submitting that they were part of the said vehicle.

6. Considering the aforesaid submission and also the fact that the petitioners are student, do not have criminal antecedent and are in custody since 08.08.2024 (para-19 of the petition), this Court is inclined to extend them the privilege of bail with condition subject to the payment as undertaken above.

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 Judge, Excise-II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 230 of 2024 subject to the following conditions:

(1) one of the bailor should be the family member/relative 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 the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds 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 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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