

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74269 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- KISHANPUR District- Supaul

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1. Suraj Kumar Son of Bhagwat Sah Resident of Village- Kathara ward no 11, PS -Kishanpur, Dist- Supaul
 2. Saddam Hussain son of Md. Salim village- Jolhaniya Ward no. 3, Ps- Pipra, Dist- supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balkrishna Mishra, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Sessions Excise Case No. 730 of 2024 arising out of Kishanpur P.S. Case No. 192 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended) lodged on 03.08.2024 by the informant, Kamakhya Narayan.

3. As per the prosecution story, the informant alleged that upon information of movement of liquor on NH-27, a Hyundai car was intercepted and there is recovery of 282.900 liters of Nepali country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



recovery/seizure is from the dickey of the car, they being the passengers and not owner, had absolutely no knowledge about the presence of the said liquor. Further, they do not have criminal antecedent and are in custody since 03.08.2024 (para-13 of the petition).

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

6. Taking into account the aforesaid submission put forward by the parties as also the fact that they do not own the car, have no criminal antecedent and are in custody since 03.08.2024, 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 Judge, Excise Court No.1, Supaul, in connection with Sessions Excise Case No. 730 of 2024 arising out of Kishanpur P.S. Case No. 192 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 their bail bond 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 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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