

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72439 of 2024

Arising Out of PS. Case No.-489 Year-2024 Thana- GAURICHAK District- Patna

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1. Bablu Kumar Son of Kauleshwar Singh R/O Bhagwanpur Devarsaukhi, P.S.- Pachrukhiya, Dist.- Patna.
 2. Raja Kumar Son of Umesh Yadav @ Umesh Singh R/O Bhagwanpur Devarsaukhi, P.S.- Pachrukhiya, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, 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 Garurichak (Pachrukhiya) P.S. Case No. 489 of 2024 for the offence under Section 30(a) of the Bihar Excise and Prohibition Act, lodged on 07.09.2024 by the informant, Rajiv Raman.

3. As per the prosecution story, the informant alleged that during patrolling duty, intercepted the accused persons and there is recovery of 80 liters country made liquor from the bag. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that only because of criminal antecedent, they have been implicated, nothing has been recovered from their conscious possession,



they are not the owner of the vehicle nor driving the same only they are passing, picked up.

5. Learned APP opposes the prayer for bail.

6. Considering the aforesaid submissions and also the fact that nothing has been recovered from conscious possession of the petitioners rather from a bag on the motorcycle, in custody since 08.09.2024 (para-9 of the petition), 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 Court of Excise, Patna City, in connection with Gaurichak (Pachrukhiya) P.S. Case No. 489 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 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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