

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73790 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- MAKER District- Saran

1. Sujeet Kumar Son of Late Lal Babu Singh Resident of Village- Pagur Kothi @ Pandur Kothi, P.S.- Punchrukhi, Distt.- Siwan
2. Anuj Rai @ Anuj Pratap Rai Son of Late Tarkeshwar Rai Resident of Village- Khalwa, P.S.- Nautan, Distt.- Siwan
3. Pradeep Mishra Son of Late Kishan Mishra @ Late Krishna Mishra @ Late Krishnan Mishra Resident of Village- Sarari, P.S.- Goriya Kothi, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard Mr. Alok Kumar Alok, learned counsel for the
petitioners and the State.

2. The petitioners are in custody in connection with
Maker P.S. Case No. 229 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise Act,
2018 lodged on 02.09.2024 by the informant, Kailash Prasad.

3. As per the prosecution story, the informant alleged
that during patrolling, a four wheeler was intercepted, there is
recovery/seizure of 138.240 liter of English liquor, those in the
vehicle were arrested, the petitioners included.

4. Learned counsel for the petitioners submit that



they were mere passengers, later realization that there is liquor in the car, it does not belong to them rather to Mohan Prasad, the last submission is that they do not have criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that there is recovery from the car in which the petitioners were travelling.

6. Considering the submissions as also the materials on record, as narrated, the vehicle does not belong to them, they do not have criminal antecedent, they are in custody since 03.09.2024 (para 16 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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Maker P.S. Case No. 229 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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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