

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74506 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- CHAORI District- Bhojpur

1. Vineshwar Kumar @ Nepali Son of Deonath Singh village- Kolodihari, ps- Chauri, Dist- Bhojpur
2. Jamrudeen son of Sahangu Miya village- Kolodihari, ps- Chauri, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-10-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Chauri P.S. Case No. 106 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 30.08.2024 by the informant, Arun Kumar.

3. As per the prosecution story, the police during the patrolling, intercepted a motorcycle and there is recovery/seizure of 80 litres of illicit Mahua. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the motorcycle does not belong to them, nor they had any knowledge about the presence of liquor, they were the passersby and caught



by the police and are in custody since 31.08.2024 (para-11 of the petition), the last submission is that they do not have criminal antecedents.

5. Learned APP opposes the prayer submitting that they were riding the motorcycle from which there is recovery.

6. Considering the submissions put forward by the parties as also that the petitioners do not own the motorcycle, nothing has been recovered from their conscious possession, have remained in custody since 31.08.2024 and do not have criminal antecedents, 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 Exclusive Special Excise Court-1, Bhojpur at Ara 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 petitioner 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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