

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76555 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- Excise Jhanjharpur District- Madhubani

1. Mohammad Shamshad S/O Md. Israil R/O - Village Gorgama, P.S - Phulparas, Distt.- Madhubani.
2. Dhaniklal Yadav S/O Late Maujelal Yadav R/O - Village Mansapur, P.S - Laukahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the State : Mr. Pradeep Narain Kumar, 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 Jhanjharpur P.S. Case No. 159 of 2024 for the offences punishable under Sections 30(a), 32(1) and 32(3) of Bihar Prohibition and Excise Act, lodged on 02.09.2024 by the informant, Jairam Prasad Yadav.

3. As per the prosecution story, the informant alleged that on secret information a Swift Dzire was intercepted and there is recovery/seizure of 504.00 liters of Nepali liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that none of the them owned the car, while petitioner no.1 is the



driver, the petitioner no.2 was a mere passenger and had no inkling that liquor is present in the car, they have already suffered by being in custody since 02.09.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer submitting that the petitioner no.1 has criminal antecedent of the same nature.

6. Having heard the rival parties, taking into account the said submissions as also the period of custody and the F.I.R. lodged both of them shall be facing the trial, this Court is inclined to extend them the privilege of bail.

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 Special Judge, Excise Act, Jhanjharpur in connection with Jhanjharpur P.S. Case No. 159 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 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 next six months to mark his attendance;

(iv) the petitioners shall in now 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 bail bonds.

(Rajiv Roy, J)

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