

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76408 of 2024

Arising Out of PS. Case No.-316 Year-2024 Thana- SIRDALA District- Nawada

-
1. Raju Manjhi S/O Tuna Mushar (Rambalak Manjhi) Resident Of Khushiyali Bhatta, P.S.- Rajauli, Distt.- Nawada.
 2. Subodh Kumar S/o Suresh Prasad Yadav Resident Of Khushiyali Bhatta, P.S.- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Adv.
For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Sirdalla P.S. Case No. 316 of 2024 for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Act, lodged on 25.08.2024 by the informant, Nagendra Paswan.

3. As per the prosecution story, the informant alleged that during the patrolling and upon secret information, the police saw three persons standing with motorcycles. Upon interrogation, they tried to escape but were apprehended and there is recovery/seizure of 230 litres of country made liquor from black colour Honda motorcycle, one bag was also attached to the motorcycle containing 20 litres country made liquor, thus,



totalling 250 litres. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioners submits that nothing was recovered from their conscious possession but the police implicated them merely on the suspicion and because of criminal antecedent of petitioner no.2. Further, they are in custody since 25.08.2024 (para-15 of the petition).

5. Learned APP opposes the prayer submitting that though petitioner no.1 has clean antecedent but so far as petitioner no.2 is concerned, he has one criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that nothing has been recovered from their conscious possession, have remained in custody since 25.08.2024 and has undertaken to appear diligently in the trial, 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 No.1, Nawada 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 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)

perwez

U		T	
---	--	---	--

