

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78423 of 2024

Arising Out of PS. Case No.-331 Year-2024 Thana- KATEYA District- Gopalganj

1.

Sonu Kumar Son of Baleshwar Sahni Resident of Village - Ratanpura, P.S. - Motipur, District - Muzaffarpur
2.

Niraj Kumar @ Neeraj Kumar Son of Hiralal Sah Resident of Village - Dharmapur, P.S. - Siwaipatti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Raj, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard Ms. Priya Raj, learned counsel for the

petitioners and the State.

2. The petitioners are in custody in connection with Kateya P.S. Case No. 331 of 2024 for the offence punishable under sections 317(5), 3(5) of the BNS and 30(a) of the Bihar Prohibition and Excise Act 2018 lodged on 30.08.2024 by the informant, Alok Kumar.

3. As per the prosecution story, the police during patrolling intercepted a pickup van and there is recovery/seizure of 450 liter country made liquor and 645 liter foreign liquor. Accordingly, the FIR.

4. It is the case of the petitioners that they do not own



the pickup van, merely because were sitting in it, implicated. Further, they do not have criminal antecedent and have remained in custody since 31.08.2024 (para 16 of the petition). The last submission is that if granted bail, shall diligently appear in trial.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that the petitioners do not own the pickup van nor have any criminal antecedent, they are in custody since 31.08.2024, 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 Additional District and Sessions Judge XIII-cum Special Excise Court No. 1, gopalganj in connection with Kateya P.S. Case No. 331 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 their 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 their bail bonds.

8. Before partying, this Court would like to put on record its word of appreciation for Mrs. Priya Raj representing the petitioner.

(Rajiv Roy, J)

Vijay Singh/-

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