

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77022 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- MAIRWAN District- Siwan

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1. Sudhir Kumar Prasad @ Sudhir Kr. S/O Late Girja Prasad Resident of Village - Baghauchha, P.S. - Maharajganj, District - Siwan.
 2. Jitendra Kumar Yadav @ Jitendra Kr. Yadav S/O Jai Narayan Yadav R/O Village- Ramapali, P.S- Siwan Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard the parties.

2. The petitioners are in custody in connection with Mairwa P.S. Case No. 350 of 2024 for the offence punishable under Section 223 of the Bharatiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 25.09.2024 by the informant, Gulam Sarwar.

3. As per the prosecution story, the informant alleged that in course of patrolling, the Home Guards were checked and there is recovery/seizure of 750 ml foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there has been a fight in the barrack and only to implicate, this



theory has been put forwarded for which, they have already suffered by being in custody since 26.09.2024 (paragraph-10 of the petition) and have no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions as also the fact that they have already been in custody since 26.09.2024, are Home Guards Personnel and have no criminal antecedent, 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 Exclusive Special Excise Court No.-I, Siwan, in connection with Mairwa P.S. Case No. 350 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 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;

(iv) 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)

Adnan/-

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