

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77978 of 2024

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

-
1. Ramakant Singh S/O Late Rambarai Singh Resident of Village- Dhanadih, P.S- Daraunda, District- Siwan.
 2. Arjun Singh S/O Harihar Singh Resident of Village- Dhanadih, P.S- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP.100)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard Mr. Prabhakar Singh, learned counsel for
the petitioners and the State.

2. The petitioners are in judicial custody in connection with Mairwa P.S. Case No. 350 of 2024 for the offences punishable under section 223 of the BNS and section 30(a) of the Bihar Prohibition and Excise Act, lodged on 25.09.2024 by the informant, Ghulam Sarwar.

3. As per the prosecution story, upon search of Home Guard Barrack there is recovery/seizure of 759 ML of foreign liquor which led to the FIR/arrest.

4. Learned counsel for the petitioners has taken this Court to page-14 of the petition (seizure list) which shows that



there is recovery/ seizure is from one Sudhir Kumar Prasad. The petitioners being present at an inappropriate place implicated. Further, they are in custody since 26.09.2024 (para-10 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that recovery/seizure has been shown from one Sudhir Kumar Prasad, they have no criminal antecedent and have remained in custody since 26.09.2024, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan 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	
---	--	---	--

