

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78086 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- MUFFASIL District- Aurangabad

1. Chunnu Kumar Singh @ Chunna Singh Son of Mahendra Singh R/O Vill.- Khakhara Tola, P.S.- Aurangabad Mufassil, Dist.- Aurangabad, Bihar.
2. Dharmendra Ram Son of Jag Narayan Ram R/O Vill.- Khakhara, P.S.- Aurangabad Mufassil, Dist.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Aurangabad Muffasil P.S. Case No. 279 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022 lodged on 04.08.2024 by the informant, Santosh Kumar Singh.

3. As per the prosecution story, the informant alleged that upon getting information, the police proceeded towards a village and though the accused managed to escape. Upon search of the place, 40.860 liters of whisky recovered/seized besides 10 liters of spirit and 10 liters of Mahua wine as also 100 pieces of wrappers/bottles. This led to the FIR.



4. Learned counsel for the petitioners submit that nothing has been recovered from their conscious possession, only because of criminal antecedent, the locals have named them for which they have already suffered by being in custody since 13.08.2024 (para-1 of the petition).

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also that nothing has been recovered from their conscious possession and they have remained in custody since 13.08.2024, 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 Special Judge Excise 1st, Aurangabad, Bihar, in connection with Aurangabad Muffasil P.S. Case No. 279 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member 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 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)

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