

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76634 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- Excise P.S. District- Gaya

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1. Chandan Kumar S/O Dinesh Yadav Resident of Village- Brahmoriya, P.S.- Raushanganj, District- Gaya
 2. Sarmod Kumar S/O Bharat Bharti Resident of Village- Kosmahi, P.S.- Hunterganj, District- Chatra (Jharkhand)
 3. Pankaj Kumar S/O Nanhak Yadav Resident of Village- Kosmahi, P.S.- Hunterganj, District- Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Yogesh Kumar, learned counsel for the
petitioner and the State.

2. The petitioners are in judicial custody in connection with Sherghati P.S. Case No. 147 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.09.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, the Excise Official got secret information that the two motorcyclist were transporting the liquor, the same were intercepted and 120 liters of country made liquor each recovered from it. This led to the



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4. Learned counsel for the petitioners submit that the vehicle does not belong to them, were given as they wanted to go to some place little realizing that it carries liquor for which they are suffering since 11.09.2024 (para-13 of the petition) despite having no criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the aforesaid submission put forward by the learned counsel for the petitioners as also the fact that the motorcycles do not belong to them and they are in custody since 11.09.2024 (para-13 of the petition), this Court is inclined to extend them the privilege of bail with conditions. However, if it is found that any of the petitioner owns the motorcycle and is/or having criminal antecedent, the order shall become infructuous.

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 Excise Court No.3, Gaya, in connection with Excise Sherghati P.S. Case No. 147 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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