

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77519 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SHIVAJINAGAR District- Samastipur

1. Kundan Kumar Son of Ram Sewak Singh Resident of Ward No. 11, P.S. - Waris Nagar, Samastipur, Bihar - 848101
2. Kamlesh Kumar Son of Ram Sewak Singh Resident of Ward No. 11, P.S. - Waris Nagar, Samastipur, Bihar - 848101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kumar Pandey, Advocate
For the State	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Shivaji Nagar P.S. Case No. 38 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 07.09.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that on information the Alto Car was intercepted and there is recovery/seizure of 13.320 liters of foreign liquor. Further, pursuant to the statement of petitioners the house of Pawan Mandal was searched and another recovery/seizure of 17.280 liters of foreign liquor was made. Thus altogether 30.6 liters of foreign liquor recovered/seized, which followed the F.I.R.,



arrest.

4. Learned counsel for the petitioners submit that both the petitioners are brothers, have no role to play in the matter, neither the car nor the house belong to them, only because they were passengers, implicated.

5. Learned APP for the State opposes the prayer submitting that when the car was intercepted, the petitioners were present. Further, on their confession, the house was searched and further recovery took place.

6. Considering the submissions put forward by the parties, though the allegations are there, the two petitioners does not own the car as also the house from which the recovery/seizure made, both are in custody since 07.09.2024 (paragraph no.12 of the petition) and it has been undertaken by the learned counsel for the petitioner given a chance, they shall be diligently appearing in trial, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners 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 Special Exclusive Judge (Excise) 1st at Samastipur in connection with Shivaji Nagar P.S. Case No. 38 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 *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in now 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 bail bonds.

(Rajiv Roy, J)

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