

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77018 of 2024

Arising Out of PS. Case No.-1099 Year-2024 Thana- Excise P.S. District- Kishanganj

1. Sahir Reza @ Sahir Raza S/o Rijabul R/o village-Chilniya ward no. 07, Mahalgoan, P.S.-Alamnagar District-Araria.
2. Kumar Aman Ashish S/o Amir Kumar Singh @ Aamir Kumar Singh R/o Mohalla - Newalal Chowk, Basant Bihar, P.S. - Maranga, Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, 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 Special Case No. 1119 of 2024 arising out of Madya Nisedh (Utpad Thana Kishanganj) P.S. Case No. 1099 of 2024 for the offence punishable under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise Act lodged on 21.09.2024 by the informant, Sunil Kumar Sao.

3. As per the prosecution story, the informant alleged that during the course of checking, one Mahindra XUV vehicle was intercepted and upon search, 250.500 liters of Indian made foreign liquor was recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the



car does not belong to them, they were also not driving it, were mere passenger, for which, they have already suffered by being in custody since 21.09.2024 (paragraph-14 of the petition) and further, they do not have any criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that there is recovery from the car in which they were travelling.

6. Taking into account the submissions put forwarded by the parties as also the fact that the petitioners neither own the car nor were driving it, are in custody since 21.09.2024 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 Additional Sessions Judge-IV-cum-Special Judge Excise-II, Kishanganj, in connection with Special Case No. 1119 of 2024 arising out of Madya Nisedh (Utpad Thana Kishanganj) P.S. Case No. 1099 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 appear before the concerned police station every fortnight for six months to mark his 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)

Adnan/-

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