

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76907 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- Kadwa District- Bhagalpur

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1. Rohit Kumar Son of Naresh Yadav Resident of Village - Dinapatti, Police Station - Madhepura, District - Madhepura
 2. Sandeep Kumar Son of Devendra Yadav Resident of Village - Dinapatti, Police Station - Madhepura, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate
For the State : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Kadwa P.S. Case No. 56 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 31.08.2024 by the informant, Ashutosh Kumar.

3. As per the prosecution story, the informant alleged that the police upon information intercepted a Truck and recovered/seized 801 liters of foreign liquor, this led to the arrest, F.I.R.

4. Learned counsel for the petitioners submit that they do not own the vehicle rather driver/cleaner of it. Further, they



had no knowledge about the presence of liquor, their continued incarceration has resulted into the families being on the verge of starvation. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners on its own would like to contribute Rs.10,000/- each totaling Rs.20,000/- to the District Legal Services Authority, Bhagalpur (exclusively for the purchase of journals for the Sub-Divisional Judicial Magistrate Court, Naugachhia) through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer submitting that when the interception took place these petitioners were there from which recovery/seizure has been made.

6. Considering the submissions put forward by the parties as also the fact that they being the driver and cleaner, sole earner of the family, are in custody since 01.09.2024, having no criminal antecedent, F.I.R. lodged they will be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- each totalling Rs.20,000/- as undertaken by the learned counsel for the petitioners to be paid to the District Legal Services Authority,



Bhagalpur by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. The District Legal Services Authority Secretary, Bhagalpur shall ensure that the journals purchased from the amount and sent to the Sub-Divisional Court, Naugachhia and details/receipt has to be filed before the concerned Trial Court.

8. 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 Excise Judge-1 cum ADJ-IX, Bhagalpur in connection with Kadwa P.S. Case No. 56 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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