

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79586 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- FULKAHA District- Araria

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1. Kuldeep Kumar @ Kuldeep Kumar Mandal S/O Shikendra Mandal Resident of village- Basaha, P.S.- Pipra, District- Supaul
 2. Sifet Kumar @ Sifet Kumar Mandal S/O Ganga Mandal Resident of village- Basaha, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard the parties.

2. The petitioners are in custody in connection with Fulkaha P.S. Case No. 124 of 2024 for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act lodged on 17.08.2024 by the informant, Ramesh Kumar.

3. As per the prosecution story, the informant alleged that the vehicles were intercepted and there is recovery/seizure of 54 liters of Nepali liquor from one motorcycle while 16.02 liters of Nepali liquor from the other. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that one of the motorcycle belongs to them but nothing has been recovered from their conscious possession and if granted relief,



they shall be diligently appearing in trial and the last submission is that they are in custody since 17.08.2024 (paragraph-13 of the petition).

5. Learned APP opposes the prayer for bail submitting that petitioner no. 2 has criminal antecedent.

6. Considering the submissions put forwarded by the parties as also the fact that they have undertaken to diligently appear in trial and are in custody since 17.08.2024, 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 Exclusive Judge Excise – 2, Araria, in connection with Fulkaha P.S. Case No. 124 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for 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)

Adnan/-

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