

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77505 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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1. Navneet Kumar @ Navnit Kumar Son of Kunj Bihari Tiwari Resident of Village - Sekhauna Dubey Kathariya, P.S. - Kalyanpur, District - East Champaran, Bihar
 2. Santosh Singh Son of Late Nawal Kishore Singh Resident of Village - Sekhauna Dubey Kathariya, P.S. - Kalyanpur, District - East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate
For the State : Dr. Kumar Uday Pratap, 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 Sangrampur P.S. Case No. 227 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 10.09.2024 by the informant, Banafal Akshay Kumar.

3. As per the prosecution story, the informant alleged that during checking of the vehicle, a motorcycle was intercepted and as they failed to give any reply, it was checked and 8.28 liters of foreign liquor recovered/seized, which followed the F.I.R.



4. Learned counsel for the petitioners submit that though not incorporated in the petition, the motorcycle does not belong to them and as such nothing has been recovered from their conscious possession, they were mere passers by but implicated in the present case and are in custody since 11.09.2024 (paragraph no.7)(VII) of the petition.

5. Learned APP for the State opposes the prayer submitting that when the police intercepted the motorcycle, it was being driven/pillion riding by these two petitioners.

6. Considering the submissions put forward by the parties as also the fact that a categorical statement has been made that the motorcycle does not belong to them, are in custody since 11.09.2024, this Court is inclined to extend him the privilege of bail. However, if it is found that the motorcycle belongs to either of these two petitioners, the bail bond of said petitioner 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 Special Excise Court No. I, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 227 of 2024, subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner 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 no way try to induce or promise or threaten 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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