

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82743 of 2024

Arising Out of PS. Case No.-275 Year-2024 Thana- Excise P.S. District- Buxar

1. Pradeep Kumawat Son of Sohan Lal Jee Kumawat Resident of Chandpura, Sikar, PS- Sikar Sadar, District- Sikar, State- Rajasthan
2. Manoj Kumawat @ Manoj Kumar Mulcandra Kumawat Son of Mulchand Kumawat Resident of Ralawat, PS- Jeenmata, District- Sikar, State- Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel
for the petitioner and the State.

2. The petitioners are in custody in connection with Excise (Buxar) P.S. Case No. 275 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 29.08.2024 by the informant, Ashutosh Kumar.

3. As per the prosecution story, the police during patrolling, intercepted a Bolero Maxi truck and there is recovery/seizure of 973.800 liter foreign liquor in the pumpkin vegetable plastic bags. This led to the FIR/arrest.

4. It is the case of the petitioners that they are driver



and the co-driver having no knowledge about the presence of liquor along with the materials loaded, they are the only earning family members and they are in custody since 30.08.2024 (para 14 of the petition). Their going into judicial custody has affected the respective families, both do not have criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 15,000/- each (totaling Rs. 30,000/-) for the installation of the Steel Benches in the Civil Court Campus, Buxar through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that when the truck was intercepted, the recovery/seizure has been made.

6. Considering the aforesaid submissions as also that they are not the owner rather driver and co-driver, as submitted, they are the only family members, having no criminal antecedent, are in custody since 30.08.2024, this Court is inclined to extend them the privilege of bail with conditions Subject to payment of Rs. 15,000/- each (totaling Rs. 30,000/-) by the petitioners for the installation of Steel Benches through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchases have to be



submitted to the learned Trial Court.

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 Spl. Judge, Excise Court No. 2, Buxar in connection with Excise (Buxar) P.S. Case No. 275 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)

Vijay Singh/-

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