

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80347 of 2024

Arising Out of PS. Case No.-2173 Year-2024 Thana- Excise P.S. District- Patna

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1. Chandan Kumar S/O Rampravesh Prasad @ Rampravesh Kumar Resident of vill.- Noornagar,P.S- Harnaut, Dist.- Nalanda.
 2. Dhiraj Kumar S/O Sanjeev Kumar Resident of vill.- Noornagar,P.S- Harnaut, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard Mr. Manish Kumar, learned counsel for the
petitioners and Mr. Jitendra Kumar Singh, APP.

2. The petitioners are in judicial custody in connection with Patna Excise P.S. Case No. 2173 of 2024 for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, lodged on 13.09.2024 by the informant, Sintu Kumari.

3. As per the prosecution story, on secret information about loading of Codeine syrup, the raiding team found a Tata Magic vehicle and there is recovery/seizure of 150 litres of Codeine cough syrup which led to the FIR/arrest.

4. Learned counsel for the petitioners submits that they are neither the driver nor the owner of the said vehicle,



have no criminal antecedent and in any case it is below the commercial quantity as the 150 litres comes to only 15 Grams whereas the commercial quantity is 01 KG.

5. Learned APP though opposes the prayer but concedes that it is below the commercial quantity.

6. Considering the submissions put forward by the parties as also the fact that they are in custody since 14.09.2024 (para-15) having no criminal antecedent, the recovery/seizure is below the commercial quantity, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Special Judge, Excise-III, Patna in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 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 month for next one year 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)

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