

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80147 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- PAKRIDAYAL District- East Champaran

1. Manoj S/o- Krishan Resident of vill- Chirana P.S- Gohana Dist- Sonipath Haryana
2. Sanni Tusir S/o- Narendra Kumar Village- Raisingh Ps- Raisingh Town Dist- Ganga Nagar,Rajasthan
3. Sandeep S/o- Satveer Resident of vill- Chirana P.S- Gohana Dist- Sonipath Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Adv.
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard Mr. Umesh Kumar Singh, learned counsel
for the petitioners and the State.

2. The petitioners are in judicial custody in connection with Pakridayal P.S. Case No. 208 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 18.08.2024 by the informant, Om Prakash Kumar Ram.

3. As per the prosecution story, the informant alleged that during the patrolling, a Baleno car was intercepted and there is recovery/seizure of 257.370 litres of foreign liquor which led to the FIR/arrest.

4. Learned counsel for the petitioners submits that the



petitioners do not own the car while the petitioner no.1 is the driver and others were the passengers and they had no knowledge about the presence of liquor in the car. All the three petitioners do not have criminal antecedent and are in custody since 19.08.2024 (para-16 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation the petitioners intend to pay Rs.10,000/- (Ten thousand) each i.e. Rs. 30,000/- (Thirty thousand) to the District Legal Services Authority, Motihari, for beautification/installation of benches in the Civil Court campus, Motihari.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that the said car is not owned by the petitioners, nothing has been recovered from the conscious possession of the petitioners, have remained in custody since 19.08.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- (Ten thousand) each i.e. Rs. 30,000/- (Thirty thousand) to the District Legal Services Authority, Motihari for beautification/installation of benches in the Civil Court campus, Motihari. A receipt thereof, has to be submitted before the learned Trial court.



7. Let the petitioners, above named, 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.3, East Champaran, Motihari in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the local native who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next 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 petitioner 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.



8. Let a copy of this order be communicated to the learned Principal District & Sessions Judge, Motihari, East Champaran for his perusal.

(Rajiv Roy, J)

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