

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81064 of 2024

Arising Out of PS. Case No.-283 Year-2024 Thana- SHAMBHUGANJ District- Banka

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1. Nitish Kumar Son of Bambam Singh VILLAGE- PARBHARA PS
-TARAPUR DISTRICT -MUNGER
 2. Ravi Kumar Son of Shankar Mandal village- Kadbara, Ps- Khesar, Dist-
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioners are in custody in connection with Shambhuganj P.S. Case No. 283 of 2024 for the offence punishable under section 30(A) of the Bihar Prohibition and Excise Act lodged on 06.10.2024 by the informant, Rajiv Kumar.

3. As per the prosecution story, the informant alleged that on information, he went to the brick kiln of the Raman Singh and found one person riding motorcycle while others were sitting in the rear seat of the Bolero. Though the driver of the Bolero escaped, the two petitioners apprehended and there is recovery/seizure of 125.25 liters wine. This led to the FIR.

4. Learned counsel for the petitioners submit that they were on the motorcycle, had nothing to do with the Bolero, the



driver escaped whereafter they were implicated. Though in the FIR, the ownership has been assigned to the petitioner no. 1, it has been categorically stated in paragraph-6 that he does not own the Bolero car and the last submission is that without accepting the allegation and/or the outcome of the present case, petitioner no. 1 intends to contribute Rs. 10,000/- for the installation of Steel Benches between Krishna Ghat, Patna and NIT ghat, Patna through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that as per the FIR, petitioner no. 1 owns the vehicle.

6. Taking into account the submissions put forwarded by the parties as also the fact that a categorical statement has been made that the petitioners do not own the Bolero from which the recovery has been made, are in custody since 06.10.2024 (paragraph-4 of the petition), FIR is there and he will be facing the trial, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- by the petitioner no. 1 for the purchase of Steel Benches between Krishna Ghat, Patna and NIT Ghat, Patna through Demand Draft issued by the local branch of the State Bank of India in favour of the Executive Officer, Patna



Municipal Corporation, Bankipur Circle, Bankipur and the receipt of the purchase of the benches shall be submitted to the trial Court.

7. If, however, it is found that contrary to the statement made in paragraph no. 6 of the petition that the petitioner no. 1 does not own the vehicle, he actually owns the car, the bail order with regard to petitioner no. 1 shall become infructuous.

8. 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 Special Judge, Exclusive Excise Court-II, Banka, in connection with Shambhuganj P.S. Case No. 283 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 petitioner 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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