

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80783 of 2024

Arising Out of PS. Case No.-2093 Year-2024 Thana- Excise P.S. District- Patna

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1. Dinesh Sahni S/O Late Ramvilash Sahni Resident of village - Pahalwan Ghat, Ward No.- 24, P.S- Buddha Colony, Dist.- Patna.
 2. Md. Sattar S/O Late Sarfuddin Resident of village - Pahalwan Ghat, Masjid Gali , Ward No.- 24, P.S- Buddha Colony, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kumar, Adv.
Mr. Aryan Singh, Adv.
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard Mr. Ram Kumar, learned counsel for the
petitioners and the State.

2. The petitioners are in judicial custody in connection with Patna Excise PS Case No. 2093 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 03.09.2020 by the informant, Md. Afsar Ali.

3. As per the prosecution story, upon secret information, liquor is being moved to a boat, it was raided and there is recovery/seizure of 100 litres of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that



they are aged persons, had no knowledge about the passengers carrying the liquor, got implicated. Further, they are in custody since 04.09.2024 (para-14 of the petition) and have no criminal antecedent.

5. Learned APP, Mrs. Asha Kumari opposes the prayer submitting that the seizure is from the boat which they were sailing.

6. Considering the submissions put forward by the parties as also the fact that the petitioners do not have criminal antecedent and have remained in custody since 04.09.2024, this Court is inclined to extend them the privilege of bail.

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 Special Judge, Excise, 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 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)

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