

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80325 of 2024

Arising Out of PS. Case No.-361 Year-2024 Thana- TARAIYA District- Saran

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1. Rahul Kumar S/o- Tulsi Paswan Village - Thengpur, P. S - Paru , District - Muzaffarpur
 2. Munna Kumar S/o- Akshalal Ray Village- Saraiya Ps- lalganj Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Traiya P.S. Case No. 361 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 08.09.2024 by the informant, Ashutosh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information a Tata Sumo Car was intercepted by the Police and there is recovery/seizure is of 56.160 liters of foreign liquor, this led to the F.I.R.

4. Learned counsel for the petitioners submits that they are not the owner of the vehicle, only because of their presence as passengers in the car led to their implication, are in



custody since 09.09.2024 (paragraph no.1 of the petition) having no criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that they were part of the vehicle when the recovery/ seizure made.

6. Considering the submissions put forward by the parties as also the fact they are not the owner of the vehicle, are in custody since 09.09.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail.

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 Special Excise Court, Saran at Chapra in connection with Traiya P.S. Case No. 361 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 *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his their bond by the Trial Court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in now 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 bail bonds.

(Rajiv Roy, J)

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