

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80113 of 2024**

Arising Out of PS. Case No.-224 Year-2024 Thana- MAKER District- Saran

1. Mohit Saroha Son of Rakesh Saroha R/O Vill.- Radhdana, Rathdana, P.S.- Sonipat Sadar, Dist.- Sonipat, Haryana.
2. Rahul Son of Rajesh R/O Vill.- Badhauri, P.S.- Walgrah, Dist.- Sonipat, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      20-11-2024

Heard the parties.

2. The petitioners are in custody in connection with Maker P.S. Case No. 224 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.08.2024 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, two four wheeler cars were intercepted and upon search, 84.375 liters of foreign liquor was recovered/seized from the Swift Desire and 135 liters foreign from the Tata Nexon. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the vehicles do not belong to them, they were just sitting in the said



cars as passengers having no knowledge about the presence of liquor therein and are in custody since 24.08.2024 (paragraph-14 of the petition), having no criminal antecedent. One of the similarly situated accused person has been granted bail by this Court in Cr. Misc. No. 79565 of 2024 by order dated 19.11.2024.

5. Learned APP opposes the prayer for bail submitting that they were present in the cars.

6. Considering the submissions put forward by the parties as also the fact that the petitioners do not own the cars, are in custody since 24.08.2024 and have no criminal antecedent and one of the accused has been granted bail, as state above, 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 3<sup>rd</sup>, Exclusive Special Excise Judge, Saran at Chapra, in connection with Maker P.S. Case No. 224 of 2024 subject to the following conditions:

- (i) one of the bailor should be the native of Bihar who shall provide official document to show his/her 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 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 petitioner 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.

**(Rajiv Roy, J)**

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