

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81237 of 2024

Arising Out of PS. Case No.-726 Year-2024 Thana- ARA NAWADA District- Bhojpur

1. Jitendra Kumar Son of Suresh Rai @ Suresh Ray Resident of village- Alam nagar, P.S.- Alam Nagar, Distt.- Madhepura, At Present Residence of Punaichak Pump House, P. S. - Shastri Nagar, Distt.- Darbhanga
2. Sagar Kumar Son of Shyam Sundar Sharma Resident of village- Dularpur, P.S.- Dularpur, Distt.- Darbhanga, At Present Residence of Punaichak Pump House, P. S. - Shastri Nagar, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-11-2024

Heard the parties.

2. The petitioners are in custody in connection with Ara Nawada P.S. Case No. 726 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 01.10.2024 by the informant, Shivji Thakur.

3. As per the prosecution story, the police, during patrolling, intercepted a white coloured Honda AMAZE car and there is recovery/seizure of 159.810 liters of foreign liquor which led to the FIR/arrest.

4. It is the case of the petitioners that they have nothing to do with the alleged recovery, the Honda AMAZE car does not belong to them, have no criminal antecedent and are in custody since 02.10.2024 (para-4 of the petition). Further, the last



submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 5,000/- each (totaling Rs. 10,000/-) to the District Legal Services Authority, Bhojpur for fixation of steel Benches in the Civil Court Campus of Bhojpur through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail of the petitioners.

6. Considering the submissions put forwarded by the parties as also the fact that the petitioners do not own the vehicle nor have criminal antecedent and are in custody since 02.10.2024, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 5,000/- by each petitioner (totaling Rs.10,000/-) to the District Legal Services Authority Bhojpur for fixation of steel Benches for the Civil Court Campus of Bhojpur through Demand Draft issued by the local branch of the State Bank of India and the receipt of the fixation of the benches shall be submitted to the trial Court by DLSA, Bhojpur.

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 Exclusive Special Excise Court 1st Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 726 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 and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight 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 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)

Amandeep/-

U		T	
---	--	---	--

