

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81135 of 2024

Arising Out of PS. Case No.-1042 Year-2024 Thana- Excise P.S. District- Kishanganj

1. Jaruddin Shekh @ Joruddin Sekh S/O Parbesh Sekh Resident of Village - Halder Para, Basra, PS.- Jiwantala District- 24 Pargana South (west Bengal)
2. Nausar Divan @ Naosar Diwan S/O Noor Mohammad @ Noor Mohammad Diwan R/O Halder para, Basra, P.S.- Jiwantala, Dist- 24 Pargana south (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, 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 Special case No. 1061 of 2024 arising out of Madya Nisedh P.S. Case No. 1042 of 2024 for the offence punishable under Sections 30(a) and 32(3) lodged on 05.09.2024 by the informant, Shambhu Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, they reached the Jilebia turn and intercepted a pick-up van and upon search, 384 liters of Indian made foreign liquor was recovered/seized. This led to the FIR/arrest.

4. Learned counsel for the petitioners submit that they are driver and co-driver and had no knowledge about the presence of liquor in it for which, they have already suffered by being in custody since 06.09.2024 (paragraph-13 of the petition) and the



last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- each (totalling Rs. 20,000/-) to the District Legal Services Authority, Kishanganj for the purchase of Steel Benches for the Civil Court Campus of Kishanganj Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forwarded by the parties as also the fact that they do not own the vehicle and are in custody since 06.09.2024, this Court is inclined to extend them the privilege of bail with conditions subject to payment of Rs. 10,000/- each (totalling Rs. 20,000/-) to the District Legal Services Authority, Kishanganj for the purchase of Steel Benches for the Civil Court Campus of Kishanganj Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Kishanganj.

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 Additional District and Sessions Judge IV-cum-Special Judge (Excise-II), Kishanganj, in connection with Special case No. 1061 of 2024 arising out of Madya Nisedh P.S. Case No. 1042 of 2024 subject to the following



conditions:

(i) one of the bailor should be the family member 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 petitioners 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/-

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

