

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81098 of 2024

Arising Out of PS. Case No.-334 Year-2024 Thana- Excise P.S. District- Rohtas

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1. Monu Kumar S/o Ramayan Ram Resident of Mohalla- Dalelganj, PS- Sasaram T, District- Rohtas
 2. Lal Bihari @ Lal Bihari Bind S/o Ramdular Bind @ Ram Dular Prasad R/o Mohalla- Mubarakganj, P.S. - Sasaram (T), Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioners are in custody in connection with Excise P.S. Case No. 334 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 06.10.2024 by the informant, Amit Anand.

3. As per the prosecution story, the Police while patrolling, intercepted a tempo and upon search, 124 liters of country-made liquor recovered/seized. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioners submit that while petitioner no. 1 is the passenger travelling in the tempo, petitioner no. 2 is the driver and the recovery/seizure is from the



tempo but who put it there and left was not known to them which led to their implication. Only because the petitioner no. 2 has criminal antecedent got implicated and both of them are in custody since 06.10.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail submitting that both were present in the tempo being driver and the passenger when the recovery/seizure was made.

6. Taking into account the submissions put forwarded by the parties as also the fact that the two petitioners are in custody since 06.10.2024 and an undertaking has been given that they will be diligently appearing in trial, this Court is inclined to extend them the privilege of bail with conditions.

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 Judge, Excise-1, Rohtas at Sasaram, in connection with Excise P.S. Case No. 334 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/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 one year 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/-

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