

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82227 of 2024

Arising Out of PS. Case No.-554 Year-2024 Thana- PURNEA SADAR District- Purnia

1.

Sonu Kumar Son of Dilip Sahni Resident of Damka, Ward No.- 36, PS -Sadar, Distt.- Purnea
2.

Monu Kumar Son of Dilip Sahni Resident of Damka, Ward No.- 36, PS -Sadar, Distt.- Purnea
3.

Dilip Sahni Son of Late Narayan Sahni Resident of Damka, Ward No.- 36, PS -Sadar, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2

02-12-2024

Heard the parties.

2. The petitioners are in custody in connection with Sadar P.S. Case No. 554 of 2024 for the offence punishable under Sections 274 and 275 of the Bhartiya Nyaya Sanhita, 2023 read with Sections 30(a) and 33 of the Bihar Prohibition & Excise Act lodged on 26.09.2024 by the informant, Mantosh Yadav.

3. As per the prosecution story, the police on information, raided the house of the petitioner no. 3 and the Alto Car parked outside the house, there is a recovery of seizure of 103.680 litre of foreign liquor. The petitioner no. 3 who has criminal antecedent as also his two sons were taken into

custody, which led to the F.I.R.

4. Learned counsel for the petitioners submits that both petitioner nos. 1 & 2 are students having no criminal antecedents have been implicated in this case only because the Alto Car belongs to petitioner no. 3 and he has criminal antecedent. Further, they are in custody since 26.09.2024 and the last submission is that without accepting the allegation and/or the outcome of the present case, petitioner no. 3 intends to contribute Rs.10,000/- to the District Legal Services Authority, Purnea for the purchase of Steel Benches for the Civil Court Campus of Purnea Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that petitioner no. 3 has criminal antecedent.

6. Taking into account the aforesaid facts as also that recovery is from the car, though it belongs to petitioner no. 3, nothing from their conscious possession, though a point has to be noted that petitioner no. 3 has criminal antecedent and if he continues with this criminal act, even the present bail order should be cancelled, if it is found in any other future criminal act, this Court is inclined to extend them the privilege of bail subject to payment of Rs.10,000/- to the District Legal Services

Authority, Purnea for the purchase of Steel Benches for the Civil Court Campus of Purnea 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, Purnea.

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), Purnea, in connection with Sadar P.S. Case No. 554 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 their *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.)

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