

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82837 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- MAHESHKHUNT District- Khagaria

1. Pintu Ray S/o Dilip Rai Resident of village- Govindpur, PS- Govindpur, District- Dhanbad
2. Raju Mahto S/o Ganesh Mahto Resident of village- Govindpur, PS- Govindpur, District- Dhanbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioners are in custody in connection with Maheshkhunt P.S. Case No. 149 of 2024 for the offence punishable under sections 30(A), 32(I), 32(II), 41 B.P. & Excise Act, 2022 (Amendment) of the Indian Penal Code lodged on 24.08.2024 by the informant, Devendra Kumar.

3. As per the prosecution story, the police upon secret information, intercepted a pickup Van and there is recovery/seizure of 1107 liter foreign liquor wine, which led to the FIR and the arrest of those present in it, the petitioners included.

4. It is the case of the petitioners that they being the



driver and the co-driver had no knowledge about the materials that has been loaded, have no criminal antecedent and got implicated. They undertake to diligently appear in trial. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 20,000/- each (totaling Rs. 40,000) for the installation of the Steel Benches in the Civil Court Campus, Khagaria through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for bail submitting that nowhere it has been recorded whether the two petitioners own the van or not.

6. Learned counsel for the petitioner submits that one Faisal is the owner of the vehicle.

7. Taking into account the aforesaid submissions put forward by the parties as also that they are young, only bread earner, are in custody since 25.07.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions Subject to payment of Rs. 20,000/- each (totaling Rs. 40,000/-) by the petitioners for the purchase of Steel Benches through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchases have



to be submitted to the learned Trial Court.

8. 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 Special Excise Judge IInd, Khagariya in connection with Maheshkhunt P.S. Case No. 149 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Vijay Singh/-

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