

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82814 of 2024

Arising Out of PS. Case No.-820 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Gango Rai S/o Sushil Rai R/o vill - Rahimpur Rudauli, P.S. - Samastipur Muffasil, Distt.- Samastipur
2. Bipin Kumar Rai @ Bipin Kumar S/o Bishundeo Rai R/o vill - Rahimpur Rudauli, P.S. - Samastipur Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Excise P.S. Case No. 820 of 2024 for the offence punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 23.08.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, the informant on secret information, intercepted a pick-up van and there is recovery/seizure of 237 liters of foreign liquor. This led to the FIR.

4. It is the case of the petitioners that the Pick-Up Van does not belong to them, only because of criminal antecedent, implicated. Further, they are in custody since 23.08.2024 and if granted relief, they will be diligently appearing in trial and lastly irrespective of the outcome of the present case and/or accepting



the allegation, the petitioners intend to contribute Rs.10,000/- each (totalling Rs.20,000) to the District Legal Services Authority, Aurangabad for the purchase of steel Benches/beautification of the Civil Court Campus, Aurangabad through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Considering the aforesaid submissions put forward by the parties as also the fact that the petitioners do not own the vehicle, are in custody since 23.08.2024, this Court is inclined to extend them the privilege of bail subject to payment of Rs.10,000/- each (totalling Rs.20,000) to the District Legal Services Authority, Aurangabad for the purchase of steel Benches/beautification of the Civil Court Campus, Aurangabad through Demand Draft issued by the local branch of the State Bank of India.

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 Special Judge Excise-IIInd, Aurangabad, in connection with Excise P.S. Case No. 820 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 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 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)

Ravi/-

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

