

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82093 of 2024

Arising Out of PS. Case No.-2312 Year-2024 Thana- Excise P.S. District- Patna

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1. Pramod Kumar Son of Lal Bahadur Ray R/O Vill.- Pasiya Diyar, P.S.- Ganga Bridge, Dist.- Vaishai.
 2. Mithun Kumar Son of Ganik Ray R/O Vill.- Mahnar, P.S.- Desari , Dist.- Vaishali.
 3. Mamta Devi Son of Sanjeev Mahto R/O Vill.- Gobindpur, P.S.- Bidupur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Excise Patna P.S. Case No. 2312 of 2024 for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, lodged on 01.10.2024 by the informant, Gautam Kumar.

3. As per the prosecution story, the informant alleged that during the patrolling, the Xylo Car was intercepted and there is recovery/seizure of 99 liters of country made liquor (wrongly typed as 72 liters), this led to the F.I.R./arrest.

4. Learned counsel for the petitioners submit that the



car does not belong to them, merely because of riding it having no knowledge of the presence of liquor, arrested. Further, they do not have criminal antecedent and are in custody since 02.10.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the facts that they have no criminal antecedent and vehicle does not belong to them, this Court is inclined to extend him the privilege of bail. However, if it is found that any of the petitioner has criminal antecedent, the order shall be come infructuous, so far as that petitioner is concerned.

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 Court, Excise Court No.-3, Patna in connection with Excise Patna P.S. Case No. 2312 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 *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates



without plausible reason will entail cancellation of his their
bond by the Trial Court itself;

(iii) the petitioners shall in now 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;

(iv) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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