

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82119 of 2024

Arising Out of PS. Case No.-377 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Sahil Son of Shamsher singh Resident of Village- Jauli Jashrana, P.S.- Gohana, Distt.- Sonipar (Haryana)
2. Amit Son of Krishna Resident of Village- Jashrana, P.S.- Gohana, Distt.- Sonipar (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Ms. Nitu Kumari, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, 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 Kuchaikote P.S. Case No. 377 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 08.09.2024 by the informant, Golden Pandey.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information, a Scorpio vehicle was intercepted and there is recovery/seizure of 281.400 litres of foreign liquor. Accordingly, the FIR/arrest.

4. It is the case of the petitioners that they are not the owners of the Scorpio vehicle rather it belongs to one Daya Shankar Prasad, they do not have criminal antecedents and are in custody since 08.09.2024 (para-4 of the petition). The last



submission is that irrespective of the outcome of the present case and or accepting the allegation they intend to pay Rs. 10,000/- each totalling Rs.20,000/- (Twenty thousand) to the District Legal Services Authority, Gopalganj, for installation of music system in the Civil Court campus, Gopalganj.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that petitioners do not own the Scorpio vehicle, do not have criminal antecedent, have remained in custody since 08.09.2024, this Court is inclined to extend them the privilege of bail, subject to the payment of Rs. 10,000/- each totalling Rs.20,000/- (Twenty thousand) by way of demand draft issued by the local State Bank of India to the District Legal Services Authority, Gopalganj, for installation of music system in the Civil Court campus, Gopalganj. A receipt thereof, has to be submitted before the Trial court, Gopalganj.

7. Let the petitioners, above named, 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 Additional Sessions Judge-IV-Cum-Exclusive Spl Judge, Excise Court No. II, Gopalganj in connection with aforesaid P.S. Case subject to the following conditions:



(i) one of the bailors should be the family member 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 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 month 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 petitioner 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.

8. Let a copy of this order be communicated to the learned Principal District & Sessions Judge, Gopalganj.

(Rajiv Roy, J)

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