

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82979 of 2024

Arising Out of PS. Case No.-811 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Samundra Son of Sitaram Resident of Village - Rohana, P.S. - Kharekoda, District - Sonipat (Hariyana)
2. Lachchi Ram Son of Ramdas Ram Resident of Village - Dauriya, P.S. - Naurganw, District - Chhatarpur (M.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard Mr. Rajesh Kumar Mishra, learned counsel
for the petitioners and the State.

2. The petitioners are in custody in connection with Excise P.S. Case No. 811 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 32(i) & (iii), 41(i) & (ii) of the Bihar Prohibition and Excise Amendment Act lodged on 19.10.2024 by the informant, Manju Kumari.

3. As per the prosecution story, the informant alleged that on secret information, the Brezza car was intercepted and there is recovery/seizure of 301.830 liter foreign liquor. This led to the FIR, arrest.



4. It is the case of the petitioners that they are not the resident of Bihar, the car does not belong to them, only because they being the passenger, arrested, both do not have criminal antecedent, are in custody since 20.10.2024 and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 10,000/- each (totaling Rs. 20,000) for the installation of the Steel Benches in the Civil Court Campus, Kaimur at Bhabua through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that when the recovery/seizure was made, they were present in the car.

6. Taking into account the submissions put forward by the parties as also that both do not own the Brezza car nor have criminal antecedent, are in custody since 20.10.2024 and have undertaken to diligently appear in trial, this Court is inclined to extend them the privilege of bail with conditions subject to payment of Rs. 10,000/- each (totaling 20,000 each) 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.

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)-II, Kaimur at Bhabua in connection with Excise P.S. Case No. 811 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/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.

(Rajiv Roy, J)

Vijay Singh/-

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