

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82617 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- EXCISE SHERGHATI District- Gaya

1. Paran Kumar S/o- Deenanath Yadav @ Dinanath Yadav Resident of Village- Zabra, P.S. Hunterganj, District- Chatra (Jharkhand)
2. Ujwal Kumar @ Ujjwal Kumar S/o- Rajendra Yadav Resident of Village- Zabra, P.S. Hunterganj, District- Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioners are in custody in connection with Excise (Sherghati) P.S. Case No. 190 of 2024 for the offence punishable under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 22.10.2024. by the informant, Bambam Kumar.

3. As per the prosecution story, the informant alleged that upon a secret information, the motorcycle was intercepted and there was a recovery/seizure of 30 litres country made liquor beside 9.5 litres foreign liquor. This led to the FIR/arrest of the petitioners.

4. Learned counsel for the petitioner submits that the



motorcycle does not belong to the petitioners. They have remained in custody since 23.10.2024 and further the petitioner no. 1 has no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that so far as petitioner no. 2 is concerned he has one criminal antecedent of the same nature.

6. Taking into account the submissions put forward by the parties as also the fact that both are young persons, student, in custody since 23.10.2024, FIR lodged, they shall be facing the trial, this Court is inclined to extend them the privilege of bail with conditions.

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 Excise Court No. 3, Gaya, in connection with Excise (Sherghati) P.S. Case No. 190 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 his 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.)

Jyoti Kumari/-

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