

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83703 of 2024

Arising Out of PS. Case No.-652 Year-2024 Thana- Excise P.S. District- Nawada

1. Amar Mallik S/o- Sanjeev @ Sanjeev Mallik Resident of- Kharawar, Ward No. 8, P.S. IMT Bohar, District- Rohtak (Hariyana) 124021
2. Gaurav Solanki S/o- Satveer Solanki Village- Ahulana W.No-14, Ps-Baroda Dist- Sonipat Hariyana

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-12-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Nawada Excise P.S. Case No. 652 of 2024 for the offence punishable under Section 30(a) & 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 22.09.2024 by the informant, Dinesh Kumar.

3. As per the prosecution story, the Police intercepted a truck on secret information loaded with cement and in between 630 liters of foreign liquor were recovered/seized. This led to the FIR.

4. It is the case of the petitioners that they are drivers/co-drivers have nothing to do with the alleged recovery. They believed that the cement has been loaded in the truck, have been in custody since 23.09.2024 having no criminal antecedent. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the



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

5. Learned APP opposes the prayer submitting that between the cement, liquor was present.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that they are drivers/co-drivers having no criminal antecedent, are in custody since 23.09.2024, FIR lodged, they shall be facing the trial, this Court is inclined to extend them the privilege of bail subject to payment Rs.10,000/- each (total 20,000/-) to the District Legal Services Authority, Nawada for the fixing of steel Benches/beautification of Civil Court Campus, Nawada through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the 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 Court, Excise-2, Nawada, in connection



with Nawada P.S. Case No. 652 of 2024 subject to the following conditions:

(i) one of the bailor should be native of the State of Bihar 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)

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