

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83327 of 2024

Arising Out of PS. Case No.-402 Year-2024 Thana- SIRDALA District- Nawada

1. Bipin Kumar S/O Ravindra Yadav @ Ravindra Kumar R/O VILLAGE-
Kodiya, P.S. - Fatehpur, DISTRICT- Gaya
2. Chandan Kumar S/O Jagan Manjhi R/O VILLAGE- Bara Ghat,P.S. -
Fatehpur, DISTRICT- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 83517 of 2024

Arising Out of PS. Case No.-402 Year-2024 Thana- SIRDALA District- Nawada

Sonu Kumar @ Guddu S/O Vijay Yadav R/O VILLAGE - Kodiya,P.S. -
Fatehpur, DISTRICT -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 83327 of 2024)

For the Petitioner/s : Mr.Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 83517 of 2024)

For the Petitioner/s : Mr.Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2024 Head Mr. Deepak Kumar, learned counsel for the

petitioners and the State.

2. The petitioners are in judicial custody in connection
with Sirdalla P.S. Case No. 402 of 2024 for the offences
punishable under Sections 30(a)/41 of the Bihar Prohibition and
Excise Act, lodged on 30.10.2024 by the informant, Jitendra
Kumar Mishra.



3. The police, as per the prosecution story, upon secret information, intercepted two motorcycles and there is recovery/seizure of 205 litres of country made liquor from one motorcycle whereas 64.875 litres of foreign liquor from another motorcycle. Accordingly, the FIR/arrest.

4. The case of the petitioners as submitted by the learned counsel is/are that none of them are the owner of the motorcycle, had no knowledge about the presence of the liquor, though save and except, petitioner no.2, Chandan Kumar in Cr. Misc. No. 83327 of 2024, the other have criminal antecedent which led to their implication. They are in custody since 31.10.2024 (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. 8,000/- (Eight thousand) each, totalling Rs. 24,000/- (Twenty Four Thousand) to the District Legal Services Authority, Nawada, for installation of steel benches/beautification in the Civil Court campus, Nawada.

5. Learned APPs, Mr. Bharat Bhushan as also Mr. Jitendra Kumar Singh jointly oppose submitting that they were riding the motorcycles when the recovery/seizure was made.

6. Considering the submissions put forward by the parties as also the fact that the petitioners do not own the



motorcycles, one of the petitioners, namely, Chandan Kumar in Cr. Misc. No. 83327 of 2024 has no criminal antecedent, have remained in custody since 31.10.2024, FIR lodged, will be facing the trial, this Court is inclined to extend them the privilege of bail, subject to the payment of Rs. Rs. 8,000/- (Eight thousand) each, totalling Rs. 24,000/- (Twenty Four Thousand) to the District Legal Services Authority, Nawada, for installation of steel benches/beautification in the Civil Court campus, Nawada. A receipt thereof has to be submitted before the Trial court, Nawada.

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 Exclusive Special Excise Court No.1, Nawada in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors 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 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 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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