

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84071 of 2024

Arising Out of PS. Case No.-792 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Prince Kumar Son of Ishwar Prasad Resident of At- Chhawala, PS - Najawgarh, Distt.- South West Delhi
2. Shivam Kumar Son of Suresh Choudhary Resident of Badli, P.S.- Samaypur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Ranjan, Adv.
		Ms.Kiran Kumari Sharma, Adv.
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-12-2024 Heard Mr. Amit Ranjan, learned counsel for the petitioners and the State.

2. The petitioners are in judicial custody in connection with Excise Kaimur (Bhabhua) P.S. Case No. 792 of 2024 for the offences punishable under Sections 30(a), 32(i), 32(iii) of the Bihar Prohibition and Excise Act, lodged on 14.10.2024 by the informant, Shailesh Sahani.

3. As per the prosecution story, the informant alleged that during patrolling and upon secret information, a Hyundai Aura Car was intercepted and there is recovery/seizure of 166.125 litres of country made liquor. Accordingly, the FIR/arrest.

4. It is the case of the petitioners that they are not the owners of the said car, had borrowed the same from the original



owner, little realizing that in its dickey, the alleged liquor is there, they do not have criminal antecedent and have remained in custody since 15.10.2024 (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.5,000/- (Five thousand) each totalling Rs. 10,000/- (Ten Thousand) to the District Legal Services Authority, Kaimur (Bhabhua), for installation of steel benches/beautification in the Civil Court campus, Kaimur, (Bhabhua).

5. Learned APP opposes the prayer submitting that both of them were present in the car.

6. Considering the submissions put forward by the parties as also the fact that the petitioners do not own the car, a categorical statement has been made that they do not have criminal antecedent, have remained in custody since 15.10.2024, this Court is inclined to extend them the privilege of bail, subject to the payment of Rs. 5000/- each tolltalling Rs. 10,000/- (Ten Thousand) to the District Legal Services Authority, Kaimur (Bhabhua), for installation of steel benches/beautification in the Civil Court campus, Kaimur, (Bhabhua) through Bank draft issued by the local State Bank of India to the District Legal Services, Kaimur



(Bhabhua). A receipt thereof has to be submitted before the Trial court, Kaimur (Bhabhua).

7. It is made clear that if it is found that any of the two petitioners is having criminal antecedent, the order against him shall become infructuous.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Kaimur (Bhabhua) 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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