

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83437 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- SONEBARSA District- Buxar

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1. Chetan Kumar Son of Nirmal Singh Resident of Village - Amrudi Tola, P.S. - Sonvarsha, District - Buxar
 2. Shivji Kumar Son of Bijay Singh Resident of Village - Amrudi Tola, P.S. - Sonvarsha, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Dimpal Kumari, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard Ms. Dimpal Kumari, learned counsel for the
petitioner and the State.

2. The petitioners are in judicial custody in connection with Sonvarsha P.S. Case No. 28 of 2024 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018 lodged on 28.10.2024 by the informant, Navin Kumar.

3. As per the prosecution story and on secret information that the accused are selling/buying liquor, the place was raided and recovery/seizure is of 76 liters of country made liquor near boundary which led to the FIR.

4. It is the case of the petitioners that the



recovery/seizure is from an open place and not from their conscious possession, they had not have criminal antecedent and are in custody since 28.10.2024.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that the recovery/seizure is from an open place, they do not have criminal antecedent, 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 Special Excise Judge-2, Buxar, in connection with Sonvarsa P.S. Case No. 28 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member 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 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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