

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83146 of 2024

Arising Out of PS. Case No.-790 Year-2024 Thana- Excise P.S. District- Gopalganj

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1. Rajesh Patel son of Kamal Patel RESIDENT OF VILLAGE-CHHAPRA BIHARI, WARD NO-12, POLICE STATION-PAKARI DAYAL, DISTRICT-MOTIHARI.
 2. Golu Kumar son of Ajay Sah RESIDENT OF VILLAGE-PATAPARIYA, MODAN, WARD NO-10, POLICE STATION-MUFASSIL, DISTRICT-MOTIHARI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard the parties.

2. The petitioners are in custody in connection with Gopalganj P.S. Case No. 790 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act on 16.10.2024 by the informant, Haider Ali.

3. As per the prosecution story, the informant during patrolling, intercepted a Swift Car and there is recovery/seizure of 54.360 liter foreign liquor. This led to the FIR, arrest.

4. It is the case of the petitioners that the car does not belong to them, they were traveling, had no knowledge of the presence of liquor and are ready to abide by the terms and conditions, if granted bail.



5. Learned APP opposes the prayer for bail submitting that one of the petitioner was driving while he attributed the same to the petitioner no. 2 regarding the foreign liquor.

6. Taking into account the aforesaid submissions as also that the two petitioner are in custody since 17.10.2024, they have undertaken to diligently appear in trial, charge-sheet stands submitted, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioner 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 A.D.J. IV-cum-Spl. Judge Excise-II, Gopalganj in connection with Gopalganj P.S. Case No. 790 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner 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 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)

Vijay Singh/-

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