

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83726 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- Bikramganj Excise District- Rohtas

1. Subhash Singh S/O Late Komal Singh @ Kamal Singh Resident of village- Chakchatar, P.S.- Dawath, Dist.- Rohtas, (Sasaram)
2. Raushan Kumar Chaurasiya Son of Ramesh Kumar Chaurasiya Resident of Village- Dedgoan, P.S.- Dawath, Dist- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard Mr. Sanjay Kumar, learned counsel for the
petitioners and the State.

2. The petitioners are in judicial custody in connection with Bikramganj Excise Case No. 170 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.10.2024 by the informant, Nitish Kumar.

3. As per the prosecution story, the police on secret informant, during patrolling intercepted a motorcycle as also a car and there is recovery/seizure of 50 litres of country made liquor and 300 litres foreign liquor respectively from the two vehicles, this led to the FIR/arrest.

4. Learned counsel for the petitioners submits that they are not the owners of either of the vehicle, mere passengers, got implicated only because have criminal



antecedents. The last submission is that irrespective of the outcome of the present case and or accepting the allegation they intend to pay Rs.15,000/- (Fifteen thousand each), altogether Rs. 30,000/-(Thirty Thousand only) to the District Legal Services Authority, Rohtas, Sasaram for installation of steel benches in the Civil Court campus, Rohtas, Sasaram.

5. Learned APP opposes the prayer submitting that both have criminal antecedents.

6. Considering the submissions put forward by the parties as also the fact that they are in custody since 23.10.2024 (para-4 of the petition), do not own the vehicle, undertaken to diligently appear in the trial, this Court is inclined to extend them the privilege of bail, subject to the payment of Rs. Rs.15,000/- (Fifteen thousand each), altogether Rs. 30,000/- (Thirty Thousand only) to the District Legal Services Authority, Rohtas, Sasaram for installation of steel benches in the Civil Court campus, Rohtas, Sasaram through Bank draft issued by the local State Bank of India. A receipt thereof has to be submitted before the Trial court, Rohtas, Sasaram.

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 Judge, Excise Court No.1, Rohtas at Sasaram 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 petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark his 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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