

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84694 of 2024

Arising Out of PS. Case No.-1026 Year-2024 Thana- Excise P.S. District- Jamui

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1. Sumit Kumar Son of Umesh Singh Resident of Village- Gangra, P.S- Gidhaur, Distt.- Jamui
 2. Satyam Kumar @ Satyama Kumar Son of Sunil Singh Resident of Village- Gangra, P.S- Gidhaur, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-12-2024

Heard the parties.

2. The petitioners are in custody in connection with Jamui P.S. Case No. JAM 1026 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 of the Indian Penal Code lodged on 24.09.2024 by the informant, Dharamveer Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, two vehicles, Swift Dzire and a Honda City were intercepted. The Petitioners were present in the Honda City. There is recovery/seizure of :

(i) 36 liter foreign liquor from Swift Dzire car;

(ii) while 359.250 liters foreign liquor from the



Honda City.

4. This led to the FIR and the arrest.

5. Learned counsel for the petitioners submit that while petitioner no. 1 is the driver, the petitioner no. 2 was a mere passenger. None of them own either of the two vehicles, only because they were present in it, got implicated. They had absolutely no knowledge about the presence of liquor in the car. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 15,000/- each (totaling Rs. 30,000) for the installation of the Steel Benches/beautification of Civil Court Campus, Jamui through Demand Draft issued by the local Branch of the State Bank of India.

6. Learned APP opposes the prayer for bail submitting that the two petitioners were in the Honda City from which the recovery has been made.

7. Considering the submissions put forward by the parties as also that the two petitioners are young having no criminal antecedent, do not own either of the vehicles, are in custody since 24.09.2024, this Court is inclined to extend them the privilege of bail with conditions subject to payment of Rs. Rs. 15,000/- each (totaling Rs. 30,000) for the installation of the



Steel Benches/beautification of Civil Court Campus, Jamui through Demand Draft issued by the local branch of the State Bank of India and the receipts have to be submitted to the learned Trial Court.

8. 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 Exclusive Special Excise Judge II, Jamui in connection with Jamui P.S. Case No. JAM 1026 of 2024 subject to the following conditions:

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