

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2596 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- ROSHANGANJ District- Gaya

1. Deepak Kumar S/O- Ganeshi Yadav R/O Vill- Kosmahi, Ps- Hunterganj, Dist- Chatra (Jharkhand).
2. Samodh Kumar S/O- Bharat Bharti R/O Vill- Kosmahi, Ps- Hunterganj, Distt- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Raushanganj (Bankebazar) P.S. Case No. 309 of 2023, lodged on 14.11.2023, under Sections 414/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against two named accused persons (petitioners) from whose possession 60 liters of Mahua liquor is alleged to have been recovered.

4. Learned counsel for the petitioners submits that petitioners are in custody since 16.11.2023. Antecedent of the



petitioner No.2 is clean whereas petitioner No.2 has one criminal case pending in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.III, Gaya, in connection with Raushanganj (Bankebazar) P.S. Case No.309/2023, 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 *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 bonds by the Trial Court itself;

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

(iv) The petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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