

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2073 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- BARHIYA District- Lakhisarai

1. Rakesh Kumar Son of Late Ajay Singh Resident of Village-Iniyar, P.S. Muffasil Begusarai, District-Begusarai
2. Himanshu KUMar Son of Subodh Singh 1. Resident of Village-Iniyar, P.S.- Muffasil Begusarai, District-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Barahiya P.S. Case No. 247 of 2023 lodged under Sections 30(a), 32 and 41 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of 135 liter wine has alleged to be made, which is subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that recovery has been made from the Bolero vehicle



and antecedent of petitioner No.2 is clean whereas there is one criminal antecedent of petitioner No.1.

5. Counsel submits that petitioners are in custody since 21.10.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that recovery has been made from the Bolero vehicle on which petitioners were apprehended.

7. In the present facts and circumstances of this case and the submissions made above, let the bail application of the petitioner No.1 is hereby allowed, **but only after framing of charge**, whereas the bail application of the petitioner No.2 is hereby allowed 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 Addl. District and Sessions Judge- IV -cum- Special Excise Court 1st, Lakhisarai in connection with Barahiya P.S. Case No. 247 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *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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