

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5733 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Abhishek @ Sonu Kumar Son of Late Ram Niwash Chaudhary R/o -
Chehariya, P.S - Durgawati, Distt- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6534 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Upendra Kumar @ Bagad Son of Late Ram Bachan Dhobi Resident of
Village - Mahmudganj, P.S. - Durgawati, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5733 of 2025)

For the Petitioner/s : Mr. Ram Jiban Pd Singh, Advocate

For the State : Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 6534 of 2025)

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the State : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-03-2025 Heard Mr. Ram Jiban Prasad Singh, learned counsel
for the petitioner in Cr. Misc. No. 5733 of 2025 and Mr. Kumar
Sunil, learned counsel for the petitioner in Cr. Misc. 6534 of 2025.

2. The petitioners are in custody in connection with
Durgawati P.S. Case No. 305 of 2024 for the offence punishable
under section 30(a) of the Bihar Prohibition and Excise Act,
lodged on 02.10.2024 by the informant, Ranjay Kumar.

3. As per the prosecution story, the informant alleged
that upon information, it reached the place, found a person



standing near a motorcycle who tried to escape, was arrested. He was the petitioner and gave the other person who escaped as Bagad and Sonu Kumar. Further, 180 liters country made liquor recovered, which led to the FIR.

4. Learned counsel for the petitioners jointly submit that nothing has been recovered from their conscious possession, their names have cropped up by Sunny Yadav who has been extended relief in Cr. Misc. No. 79454 of 2024. The further submission is that they shall be diligently appearing in trial while petitioner Abhishek is in custody since 04.01.2025, the other petitioner Upendra Kumar is in custody since 17.12.2024.

5. Learned APPs oppose the prayer for bail in both the cases and submitting that their names have cropped up in the confessional statement of Sunny Yadav.

6. Taking into account the aforesaid facts and the submissions put forward by the parties as also that the F.I.R. lodged, they shall be facing the trial, one of the co-accused has been granted bail as stated above, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners 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 Special Judge, Excise-II, Kaimur at Bhabhua, in connection with Durgawati P.S.



Case No. 305 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 one year 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)

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