

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74503 of 2024

Arising Out of PS. Case No.-316 Year-2024 Thana- MAIRWAN District- Siwan

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1. Prince Raj Son of Shiv Kumar Tiwary R/O-Pachrukhi, PS - Lalganj, District - Vaishali
 2. Sunny Kumar Son of Late Shivshankar Patel R/O- Bhagwanpur Pakri, PS - Lalganj, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mairwa P.S. Case No. 316 of 2024 dated 07.09.2024, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. The allegation is of recovery of 177.480 litres foreign liquor from the back seat of a car bearing registration no. CH-01-AQ-5191.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the petitioners were coming



from Gorakhpur and they had taken lift in the vehicle in question but when vehicle reached near Lalkothi, police stopped the vehicle. In the meantime, the person who was driving the vehicle, fled away and these petitioners have been arrested. It is further submitted petitioners had no knowledge about the said illicit liquor kept in the vehicle. Petitioners are neither driver nor owner of the seized vehicle. Lastly, it has been submitted that the petitioners are in custody since 08.09.2024. Petitioner no. 1 has one criminal case against him whereas petitioner no. 2 has no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I, Siwan in Mairwa P.S. Case No. 316 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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