

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79132 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- BARIYARPUR District- Munger

Mithun Kumar Son of Sri Shambhu Yadav Resident of Village-Sherpur, P.O-Basudeopur, P.S-Basudeopur, Dist.-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 79785 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- BARIYARPUR District- Munger

Pintu Tanti @ Pintu Kumar Son of Chunchun Tanti Resident of Village/ Muhalla - Tamouni Mor Darari, P.S. - Nathnagar, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79132 of 2024)

For the Petitioner/s : Mr. Hemant Kumar Karn, Advocate

For the State : Mr. Ramesh Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 79785 of 2024)

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the State : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-02-2025

Heard the parties.

2. The petitioners are in judicial custody in connection with Bariyarpur P.S. Case No. 154 of 2024 for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, lodged on 17.07.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, vehicles were being checked and in course thereof, a Pick-Up Van was intercepted and there is recovery/seizure of 1293.48 of illicit foreign liquor. The driver



Pintu Tanti (Cr. Misc. No. 79785 of 2024) was arrested from the spot and according to him, he was to deliver the material to Mithun Kumar (Cr. Misc. No. 79132 of 2024). This led to the F.I.R.

4. Learned counsel for the petitioners jointly submit that because of the criminal antecedents they have been implicated, so far as the driver is concerned according to him, he had no knowledge about what has been loaded in his Pick-Up Van whereas the godown owner's case is that though the driver named him, that it was to be deliver to his place, the same was only to save his skill. Further the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner in Cr. Misc. No. 79132 of 2024 (Mithun Kumar) on its own would like to contribute Rs.30,000/- as also petitioner in Cr. Misc. No. 79785 of 2024 (Pintu Tanti @ Pintu Kumar) Rs.20,000/- through Demand Draft issued by the local State Bank of India branch to the District Legal Services Authority, Munger for beautification of the campus of Civil Court, Munger.

5. Learned APP for the State opposes the prayer submitting that both are putting blames on the other side but the fact is that both have criminal antecedents.



6. Considering the submissions put forward by the parties as also the fact that Pintu Tanti @ Pintu Kumar is driver and, the other is godown owner from where the recovery has not been made, they have remained in custody since 05.09.2024 (paragraph no.11 of the petition)(Mithun Kumar) whereas Pintu Tanti is in custody since 18.07.2024 (paragraph no.8 of the petition), they have undertaken to diligently appearing in trial, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 30,000/- by the Mithun Kumar (Cr. Misc. No. 79132 of 2024) and Rs. 20,000/- by the Pintu Tanti @ Pintu Kumar as undertaken by the learned counsel for the petitioners to be paid to the District Legal Services Authority, Munger for the beautification of the campus of Civil Court, Munger by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

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 Exclusive Special Judge, Excise-1, Munger in connection with Bariyarpur P.S. Case No. 154 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 *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of their bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark his 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 bail bonds.

8. Let a copy of the order be communicated to the Principal District and Sessions Judge, Munger for his perusal and needful.

(Rajiv Roy, J)

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