

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81703 of 2024

Arising Out of PS. Case No.-513 Year-2024 Thana- ARARIA District- Araria

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1. Md. Haroon @ Md. Haroon Rashid S/o- Late Rafique Village- Raslapur Ward No 7 PS- Kako District- Jehanabad
 2. Rajan Kumar Karn @ Rajan Kumar S/o- Sushil Kumar Village-Bumla Shantinagar Ps-Sisoi Road Dist- Lohardagga Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-02-2025 Heard Mr. Jitendra Kumar, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are in judicial custody in connection with Araria P.S. Case No. 513 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 02.10.2024 by the informant, Visheshwar Paswan.

3. As per the prosecution story, the police intercepted a bus and there is recovery/seizure 108 liters of foreign liquor from from the said vehicle, this led to the F.I.R.



4. Learned counsel for the petitioners submit that though they are driver and conductor of the bus Krishna Rath, the recovery/seizure is not from their conscious possession rather below the seat and got implicated despite having no criminal antecedent. He further submits that they are in custody since 03.10.2024 and one of the similar co-accused person Sumrit Lal Basak has been extended relief in Cr. Misc. No. 80004 of 2024. The last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to contribute Rs.10,000/- each totaling Rs. 20,000/- for fixation of steel benches/beautification of the campus of Civil Court, Araria, through Demand Draft issued by the local State Bank of India branch.

5. Learned APP for the State opposes the prayer submitting that being the driver and the conductor, their role cannot be overlooked.

6. Taking into account the submissions put forward by the parties as also the fact that they do not have criminal antecedent and the recovery is from the bus not from their conscious possession, they are in custody since 03.10.2024 lastly, one of the accused person has been extended relief as stated above, this Court is inclined to extend them the privilege



of bail subject to payment of Rs. 10,000/- each totaling Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid for fixation of steel benches/beautification of the campus of Civil Court, Araria, 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, Araria in connection with Araria P.S. Case No. 513 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 six months 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, Araria.

(Rajiv Roy, J)

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