

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87009 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- KISHANPUR District- Supaul

1. Navin Kumar S/O Rajendra Mukhiya Resident of ward No. -12. Saraigarh, P.S.- Bhaptiyahi, District.- Supaul
2. Shiva Kumar Son of Sanjay Sharma Resident of Gamhariya ward No.16, P.S.- Gamhariya, District.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-02-2025 Heard the parties.

2. The petitioners are in judicial custody in connection with Kishanpur P.S. Case No. 256 of 2024 for the offence punishable under Sections 30(a), 45 of the Bihar Prohibition and Excise Act and 109 of BNS Act lodged on 09.10.2024 by the informant, Nagmani Madhukar.

3. As per the prosecution story, the Police has to chase the Scorpio Car going from Bhaptiyahi towards Supaul. As the car failed to stop despite signaling it, the Police chased and only after the tyres of the vehicle burst, stopped. The Police vehicle was also damaged in collision causing injury to a Sub-



Inspector, Mr. Sonal Kumar. Those in the car were Naveen Kumar and Shiva Kumar and upon search, there is recovery/seizure of 2700 bottles of 300 ml foreign liquor totalling 810 liters which led to the FIR.

4. Learned counsel for the petitioners submit that they are Driver and co-passenger, had no knowledge about the presence of liquor and recovery is not from conscious possession. Further, they do not have criminal antecedent. Further, one of the co-accused Tarachandra Das has been granted bail in Cr. Misc. No. 83677 of 2024. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 25,000/- each (Rs.50,000) to the District Legal Services Authority, Supaul for the purchase of steel benches/beautification of New Civil Court Building, Birpur, Supaul through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer submitting that they being the occupants of the car cannot exonerate themselves from the allegation.

7. Taking into account the aforesaid facts/submissions put forward by the parties as also that the petitioners are in



custody since 09.10.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 25,000/- each (Rs.50,000) for the purchase of steel benches/beautification of New Civil Court Building at BIRPUR.

8. 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 No.1, Supaul, in connection with Kishanpur P.S. Case No. 256 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member 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 next six months 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.

9. Let a copy of the order be sent to the learned
Principal District Judge, Supaul for his perusal and needful.

(Rajiv Roy, J)

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