

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88233 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- Haraiya District- East Champaran

1. Mukesh Kumar Son of Late Laldeo Singh Resident of village Parsauna Madan PS Ramgarhwa District East Champaran
2. Shivji Singh @ Shivaji Singh Son of Late Mahendra Singh Resident of village Mainhajpur, District Ajamgarh (Uttar Pradesh)
3. Santosh Kumar Son of Late Gauri Shankar Prasad Resident of village Sundarpur, PS Haraiya, District East Champaran
4. Awdhesh Kumar Shrivastava son of Jiwach Prasad Shrivastav Resident of village Dunkun road , Mishra Colony Ward no- 4 , PS Haraiya, District East Champaran
5. Manoj Kumar Kushwaha Son of Late Madan Kushwaha Resident of village duncun road, PS Raxaul District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioners and

learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Haraiya P.S. Case No. 21 of 2024 instituted for the offences under Sections 318(4), 338, 336(3), 340(2) and 61(2) of the B.N.S. and Sections 30(a), 41(1), 31, 33, 38 and 47 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered



total 4,000 liters spirit from the godown of the I P Road Lines India Pvt. Ltd. It is alleged that the petitioner no.4 namely, Awdhesh Kumar Shrivastava was arrested on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. All the petitioners are salary based employees and they have been roped in the present case only because of their being employed in the I P Road Lines India Pvt. Ltd. of the company namely I P Road Lines India Pvt. Ltd. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner have no concern with the seized spirit. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 24.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the



petitioners, stating that the petitioners, in collusion with each other, used to bring the spirit for supply in large scale for preparation of liquor. He further submits that in Para-37 of the case diary, the co-accused namely Murat Sah has confessed his own involvement as well as of petitioners in transportation and supply of spirit, which is used in preparation of liquor. In Para-54, there is also a confessional statement of the co-accused Rakesh Kumar Gupta who has also confessed his involvement in transportation and supply of spirit.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Haraiya P.S. Case No. 21 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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