

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88213 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- JHAJHA District- Jamui

1.

MITHUN KUMAR Son of SHIV SHANKAR MODI @ MONU SAH R/O HOUSE NO-21, TARA NAGAR, PS-CHAS, DIST-BOKARO, STATE-JHARKHAND
2.

Devashish Kuddu @ Devashish Kundu Son of Ajit Kuddu @ Ajit Kundu R/O Prabhat Colony , PS-CHAS, DIST-BOKARO, STATE-JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 89373 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- JHAJHA District- Jamui

OM SHANTI KUMAR S/O RAJENDRA PANDIT R/o Mohalla - Abhimanyu Nagar, P.S. - Chas, Distt.- Bokaro, State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 88213 of 2024)
For the Petitioner/s : Ms. Ankita Kumari, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP
(In CRIMINAL MISCELLANEOUS No. 89373 of 2024)
For the Petitioner/s : Ms. Ankita Kumari, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

328-02-2025

Heard Ms. Ankita Kumari, learned counsel for the petitioner in both the cases and Mr. Bharat Bhushan, learned APP besides Mr. Pradeep narain Kumar, learned APP (Cr. Misc. No. 89373 of 2024).

2. The petitioners are in judicial custody in connection



with Jhajha P.S. Case No. 339 of 2024 for the offence punishable under Sections 318(2), 336(3), 340(2) of B.N.S. & 30(a), 32, 36, 41(1) of Bihar Prohibition and Excise Act, 2022 lodged on 06.08.2024 by the informant, Kunj Bihari Kumar.

3. As per the prosecution story, the informant alleged that during patrolling and on secret information, a Pick-Up Van, a car beside a motorcycle were intercepted and there is recovery/seizure 424.50 liters of foreign liquor from the Pick-Up Van, 288 liters of foreign liquor from the car (totalling 712.501) liters of foreign wine which resulted into FIR/arrest.

4. Learned counsel for the petitioners submit that though one of the three petitioners, Om Shanti Kumar was taken into custody from the spot but the fact remains that he was a passer-by and only in the melee, on suspicion, he was apprehended though she concedes that the petitioner Om Shanti Kumar has criminal antecedent.

5. Regarding the other two accused persons, it is her contention that they were not apprehended from the spot and the Police forced their confession in which the names cropped up. They do not have criminal antecedent.

6. It is the further case of the petitioners that none of vehicle belongs to them but only because of criminal



antecedent, implicated. The petitioners **in Cr. Misc. No. 88213 of 2024** have remained in custody since **17.10.2024** whereas the petitioner **in Cr. Misc. No. 89373 of 2024** has remained in custody since **07.08.2024**. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs.20,000/- each (totalling Rs. 60,000/-) to the District Legal Services Authority, Jamui for the fixation of music system/beautification of the Civil Court Campus, Jamui through Demand Draft issued by the local branch of the State Bank of India.

7. Learned APP opposes the prayer submitting that the criminal antecedent of the accused persons has to be ascertained and further while one was apprehended from the spot, the other two have been named by the apprehended persons.

8. Taking into account the aforesaid submission as also the fact that they are in custody since 07.08.2024 and 17.10.2024, as stated above, One of the co-accused Raushan Kumar has been granted bail, the FIR lodged, they shall be facing the music and in that background, this Court is inclined to extend them the privilege of bail subject to payment of Rs.20,000/- each (totalling Rs. 60,000/-) to the DLSA, Jamui for the fixation of music system/beautification of the Civil Court



Campus, Jamui through Demand Draft issued by the local branch of the State Bank of India.

9. 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 Excise Court-I, Jamui, in connection with Jhajha P.S. Case No. 339 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.

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

(Rajiv Roy, J)

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