

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35421 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Hariom Kumar Son of Ram Pukar Prasad Yadav Resident of village - Jagirha,
Ward No. 13, P.S. - Kundwa Chainpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Motihari Muffasil P.S. Case No. 139 of 2023 for the offences punishable under Sections 414, 420, 465, 468 and 483/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 17.02.2023 by the informant Shiv Kumar Tripathi.

3. As per the prosecution story, the police intercepted the motorcycle during vehicle check, the accused persons tried to escape but apprehended. Further upon search 27 liters Nepali country-made liquor recovered/seized which follows the FIR.

4. It is the case of the petitioner that he is not the owner of the motorcycle. Learned counsel for the petitioner



submits that motorcycle does not belong to him, nothing has been recovered from his conscious possession and he is in jail custody since 18.02.2023 (para-9 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submission put forward by the learned counsel for the petitioner and the period of custody, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.I, East Champaran at Motihari, in connection with Motihari Muffasil P.S. Case No. 139 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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