

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38501 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- RAIL JHAJHA District- Jamui

Bhim Kumar Son Of Rajaram Mehta @ Raja Ram Mahto Resident Of
Village- Bahri Dhabalpura, Ps- Bypass, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 No one appears for the petitioner.

The petitioner is in custody since 4.3.2023 in connection with Rail Jhajha P.S. Case No. 53 of 2023 for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 4.3.2023 by the informant Paul Nelshan Guriya.

The prosecution story, in brief, is that on 4.3.2023, the informant along with other police personnel were checking at the Railway Platform where they caught a person moving in suspicious manner carrying a bag on his shoulder. He disclosed his name as Bhim Kumar (the petitioner herein) and on search, total 2.875 liters of foreign liquor was seized from his bag and accordingly a seizure memo was prepared.

Considering the fact that there is recovery of 2.875



liters of foreign liquor, he has remained in custody since 4.3.2023 (as stated in para-8 of the bail application) and will ultimately have to face the trial, this Court

Learned APP opposes the prayer stating that he was caught at the spot.

Considering the considering the aforesaid submission put forward by the learned counsel for the petitioner as also similar placed co-accused has since been released on bail, this Court is inclined to extend him the privilege of bail with conditions.

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 Excise Court-1, Jamui, in connection with Rail Jhajha P.S. Case No. 53 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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