

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50382 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- RAGHOPUR District- Supaul

RAJESH KUMAR @ DEEPAK SON OF HARERAM PRASAD GUPTA
RESIDENT OF VILLAGE- KARIHO WARD NO. 12, PS- SUPAUL, DISTT-
SUPAUL BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Raghopur P.S. Case No. 204 of 2023 registered for the offences
under section 30(a) of the Bihar Prohibition & Excise
(Amendment Act) lodged on 27.05.2023 by the informant,
Rajneesh Kumar Keshari.

As per the prosecution story, the police found some
persons tying cartoons on a motorcycle and on the sight of
police tried to escape but three of them were apprehended and
petitioner being one of them. From the cartoons, 130.125 ml.
foreign liquor were recovered/seized followed by the FIR.

It is the contention of the learned Counsel for the



petitioner that he was a passer by, trying to help the car owner which had broke down, as is natural, on the sight of police, tried to leave the place, was apprehended. Further, he is not the owner of the motorcycle.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also that he has been in custody since 28.05.2023 (as stated in paragraph 12 of the bail application), this Court is inclined to extend him privilege of bail subject to conditions in view of the fact that he has criminal antecedent.

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 the learned Additional District & Sessions Judge-5th cum Special Judge Excise, Supaul in connection with Raghopur P.S. Case No. 204 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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