

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51590 of 2023

Arising Out of PS. Case No.-162 Year-2021 Thana- BHAGWANPUR District- Begusarai

HARISH CHANDRA KUMAR Son of Vishundeo Singh Resident of Village -
Fatehpur Bala, P.s. - Musrigharari, Distt. - Samastipur Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Bhagwanpur P.S. Case No. 162 of 2021 registered under Sections 120(B) of the Indian Penal Code and Section 30 (a) 41 (1) (2) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 06.08.2021 by the informant, Rajesh Kumar Thakur.

As per the prosecution story, the police intercepted number of vehicles from which recovery/seizure is/are as follows:-

- (i) Sumo - 51 cartons liquor
- (ii) Motorcycle - 2 cartons liquor
- (iii) side of the road - 25 cartons liquor
- (iv) Truck and Alto - 840.96 liters whisky

This followed the FIR.



The case of the petitioner is that his implication is due to the fact that as per the registration, he is the owner of the truck and the original owner had informed the police that the same was sold to the petitioner. It is his case that the driver was with the truck and he had little knowledge about what is being done/carried by him. Simply because of him being owner, his name has come. Further submission is that without accepting the allegation and/or the outcome of the present petition, he would like to pay Rs. 10,000/- with the Patna High Court legal Services committee.

Learned APP for the State submits that he is the owner of the truck and as such, opposes the prayer for bail.

Considering the fact that he was not present at the spot, being an owner his name has come and has remained in custody since 30.06.2023 (as stated in paragraph-15 of the petition), this Court is inclined to grant him privilege of bail subject to payment of undertaking given by the learned counsel for the petitioner, as stated above.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge -II cum Special Judge, Excise Act, Begusarai in



connection with Bhagwanpur P.S. Case NO. 162 of 2021,
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 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.

(Rajiv Roy, J)

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