

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53797 of 2023

Arising Out of PS. Case No.-297 Year-2023 Thana- PATNA CITY CHOWK District- Patna

CHHOTU SAW S/O SATYA NARAYAN SAO R/O MOHALLA- ITATAND
SUKHLAHIYA POKHARI, P.S- GOUSALA CHOWK, DISTT.-
JALESHWAR (NEPAL) AT PRESENT RENTER OF JAIKANT RAI,
MOHALLA- BAGLODAN KI GALI, P.S- CHOWK, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is an accused in connection with Chowk P.S. Case No. 297 of 2023 registered for the offences under section 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 29.05.2023 by the informant, Sravan Kumar.

As per the prosecution story, the police intercepted a motorcycle with sack and 60 litres of '*mahua*' was recovered/seized, the motorcycle was also found to be stolen one. Accordingly, the FIR

The apprehended person, Deepak Kumar disclosed that the motorcycle has been purchased from the petitioner herein.



Learned Counsel for the petitioner submits that his name has come in the confessional statement of Deepak Kumar which led to his custody from 10.07.2023 (as stated in paragraph 13 of the petition). Further submission is that the said Deepak Kumar has been granted bail by a co-ordinate bench in Cr. Misc. No. 44845 of 2023 on 26.07.2023 (Annexure -2 of the petition).

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

Taking into account the fact that recovery/seizure is from Deepak Kumar who has since been granted bail, he is in custody since 10.07.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City in connection with Chowk P.S. Case No. 297 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 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)

Neha/-

U		T	
---	--	---	--

