

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54800 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- MURAR District- Buxar

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Bittu Kumar Keshari @ Bittu Keshari S/O Mahabir Keshari @ Mahavir
Keshri R/O Vill.- Chaugain, P.S- Murar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tushar Vaibhav, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Murar P.S. Case No.55 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 06.06.2023 by the informant Raj Kumar Singh.

As per the prosecution story, on information, a Wagon-R car was intercepted and 93.960 liter foreign liquor recovered. The two accused persons disclosed their names as Bittu Keshari (petitioner herein) and Chotu @ Aakash Singh. Thus, the FIR followed by the arrest.

Learned counsel for the petitioner submits that he is neither the owner nor the driver and only because the locals gave their name he has been dragged. It is his submission that he is in custody since 20.07.2023 (para-11 of the petition).



Learned APP opposes the prayer for bail and submits that he has criminal antecedent of same nature.

Considering the fact that he has not been arrested from the spot, there is no recovery from his conscious possession, he does not own the car, name has come on the disclosure of the locals, is in custody since 20.07.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Murar P.S. Case No.55 of 2023 to the satisfaction of learned Exclusive Special Judge, Excise Court No.2nd, Buxar, subject to 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



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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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