

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54796 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Raja Kumar S/O Raj Kumar R/O Village- Sabua Pokher, Ps. Lohta, Dist.
Varanshi (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Khodawanpur P.S. Case No.203 of 2023 instituted under Section 30(a),41(1) of Bihar Prohibition and Excise Act, 2016 lodged on 13.07.2023 by the informant Anjali Bhardwaj.

As per the prosecution story, during the night patrolling, upon secret information a four wheeler coming from Varanasi was intercepted and 216 liters foreign liquor recovered/seized from the dickey of the said vehicle.

It is the case of the petitioner that he is the driver, little realizing about the presence of the foreign liquor as one Panchu @ Dilip Kumar had hired the vehicle. He has already suffered by being in custody since 14.07.2023 (para-4 of the petition) though he do not have criminal antecedent.

Learned APP opposes the prayer for bail.



Considering the fact that the recovery is from the car, he is the driver, the same was hired by one Panchu @ Dilip Kumar, is in custody since 14.07.2023 and do not have criminal antecedent, 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 Khodawanpur P.S. Case No.203 of 2023 to the satisfaction of learned Exclusive Special Excise Judge-1, Begusarai, 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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