

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57482 of 2023

Arising Out of PS. Case No.-574 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

RAJBEER S/O MEWA RAM R/O VILLAGE- KASAN, PS. RAJAUND,
DIST. KAITHAL (HARIYANA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Mohania P.S. Case No. 574 of 2021 for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code and section 30(a)/36/41(i) of the Bihar Prohibition and Excise (Amendment) Act lodged on by the informant .

As per the prosecution story, the allegation is that the police personnel intercepted a truck and recovered 2538 liters of liquor. The driver and co-driver were apprehended. Accordingly, the FIR.

It is the case of the petitioner that he is owner, little realizing that the driver has transported the liquor in it, has already suffered by being in custody since 3.6.2023 (para-16 of the petition).



Learned counsel for the petitioner submits that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned APP opposes the prayer stating that he being the owner can not shrug off his responsibility.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he is the owner, not present at the place of occurrence, do not have criminal antecedent and is in custody since 3.6.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 15,000/- as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

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 learned Special Judge Excise No.1, Kaimur at Bhabua, in connection with Mohania



P.S. Case No. 574 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 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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