

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56412 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- PHULWARIYA District- Gopalganj

Akash Kumar son of Hari Kishor Rai @ Hari Kishor Yadav R/Village-
Satuwa Bazar Ps- Baniyapur Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Phulwariya P.S. Case No.272 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 28.07.2023 by the informant, Pramod Kumar Singh.

3. As per the prosecution story, Scorpio was intercepted and 207.360 liters of liquor recovered/seized. This follows the FIR/arrest of the petitioner.

4. It is the case of the petitioner that he is neither the driver nor the cleaner nor even the owner but had simply boarded the Scorpio for which he has already suffered by being custody since 29.07.2023.

5. Learned APP opposes the prayer stating that he was



apprehended with the alleged liquor.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that he does not own the vehicle, remained in custody since 29.07.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner, above named, 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 the learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj, in connection with Phulwariya P.S. Case No. 272 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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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