

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60056 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- HARLAKHI District- Madhubani

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BHOGI KUMAR ROY SON OF VILAKSHAN ROY RESIDENT OF
VILLAGE -CHIKUA, POLICE STATION- AURAHI, DISTRICT
-DHANSUHA NEPAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Harlakhi P.S. Case No. 171 of 2023 for the offence punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 27.6.2023 by the informant, Preeti Kumari.

3. As per the prosecution story, from the motorcycle 77.7 liters of illicit liquor has been recovered/seized. This followed the FIR.

4. It is the case of the petitioner that he does not own the motorcycle, was a passer-by, he was picked up by the police and this case was thrust upon him which resulted into his custody since 28.6.2023 (para-11 of the petition).



5. Learned APP opposes the prayer for bail.

6. Considering the fact that the recovery is from the motorcycle, the petitioner is not the owner, he do not have criminal antecedent and is in custody since, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani, in connection with Harlakhi P.S. Case No. 171 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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