

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56066 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- MIRGANJ District- Gopalganj

SACHIN KUMAR S/o Laxman Prasad R/o Village-Chhap, P.S.-Mirganj,
District-Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mirganj P.S. Case No. 274 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act lodged on 16.07.2023 by the informant, Asis Kumar.

As per the prosecution story, the police intercepted the petitioner on a motorcycle and it is alleged that 81.600 liters of country-made liquor recovered/seized. This followed the arrest, FIR.

It is the case of the petitioner that he has falsely been implicated in this case, do not have criminal antecedent, is also not the owner of the motorcycle and is in custody since 16.07.2023 (as stated in paragraph-9 of the petition).



Learned APP opposes the prayer for bail.

Considering the submissions put forward by the parties, he does not own the motorcycle, do not have criminal antecedent and is in custody since 16.07.2023, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge cum Special Judge, Excise -II, Gopalganj in connection with Mirganj P.S. Case No. 274 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/her *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/her 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 his 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)

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