

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57494 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- BALUA BAZAR District- Supaul

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RUPESH KUMAR SON OF RAMPHAL YADAV RESIDENT OF
VILLAGE- AMRORI, WARD NO. 14, PS- FULKAHA, DIST- ARARIA,
BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Balua Bazar P.S. Case No. 48 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 10.6.2023 by the informant, Hanshraj Mukul.

As per the prosecution story, the police during night patrolling, intercepted a motorcycle and apprehended accused persons and upon search 159 liters of Nepali country made liquor in five plastic sacks recovered/seized. Accordingly, the FIR.

It is the case of the petitioner that he is not the owner of the said vehicle, a pillion rider and 21 years of age, has



already suffered by being in custody since 10.6.2023 (para-11 of the petition).

Learned APP opposes the prayer stating that he was caught along with the liquor.

Taking into account the submission put forward by the learned counsel for the petitioner as also that he is 21 years of age and further do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 District and Sessions Judge cum Special Judge Excise, Court No.2, Supaul, in connection with Balua Bazar P.S. Case No. 48 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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