

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.60421 of 2023**

Arising Out of PS. Case No.-910 Year-2023 Thana- KAHALGAON District- Bhagalpur

RAJA KUMAR @ RAJKAMAL SON OF MANOJ MANDAL RESIDENT  
OF VILLAGE- ANADIPUR, PS- KAHALGAON, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      08-09-2023                      Heard Mr. Rajive Ranjan Singh learned counsel for the petitioner and Mr. Nitya Nand Tiwary learned APP for the State.

2. The petitioner is in custody since 04.08.2023 in connection with Kahalgaon P.S. Case No. 910 of 2023 for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act 2016 lodged on 02.08.2023 by the informant Pooja Kumari.

3. As per the prosecution story, the allegation is that the police intercepted a tempo and recovered/seized 375 ml 24 Bottle of liquor. This led to lodging of the FIR.

4. It is the case of the petitioner that he had no knowledge that some passengers left the bag containing liquor for which he has already suffered by being in custody since



04.08.2023 (as stated in paragraph 11 of the bail petition) and do not have criminal antecedent and he is 19 years of age.

5. Learned APP opposes the prayer stating that, police intercepted and recovered the liquor.

6. Considering the submission put forward by the learned counsel for the petitioner, his age, as also the fact that he has no criminal antecedent and will be facing the trial, 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 Special Excise Judge-2nd, Bhagalpur, in connection with Kahalgaon P.S. Case No. 910 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)**

Jagdish/Jyoti/-

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