

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60021 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- LAKHNAUR District- Madhubani

NARENDRA KUSHWAHA SON OF RAMESHWAR KUSHWAHA @
RAMESHWAR RO HOUSE NO 186 SECTOR 01 VAISHALI IE
SAHIBABAD, PS- INDRAPURAM, DIST- GHAZIABAD (UTTAR
PRADESH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in custody in connection with
Lakhnaur P.S. Case No. 144 of 2023 for the offence under
sections 272, 273/34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act lodged on
11.07.2023 by the informant, Md. Shamim.

3. As per the prosecution story, the allegation is that
the Police intercepted a Toyota and recovered/seized 110.400
liters of foreign liquor, the petitioner was arrested. The arrested
petitioner further disclosed that he had brought the vehicle with
one Shailendra Kumar who managed to escape. Accordingly the
FIR.

4. Learned counsel for the petitioner submits that he is



a driver, had no knowledge about the presence of liquor in the vehicle and has remained in custody since 12.07.2023 (as stated in paragraph 8 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the learned counsel for the petitioner, he is in custody since 12.07.2023 and do not have criminal antecedent, FIR lodged and ultimately will have to face 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) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise Act Jhanjharpur, District- Madhubani, in connection with Lakhnaur P.S. Case No. 144 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



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for 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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