

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68127 of 2023

Arising Out of PS. Case No.-301 Year-2023 Thana- DIDARGANJ District- Patna

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ROHIT KUMAR SON OF SAHDEV SINGH @ SAHDEO SINGH
VILLAGE- PITAMBERPUR, PS- FATUHA, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Didarganj P.S. Case No. 301 of 2023 registered on 10.09.2023
lodged under Sections 30(a), 36 of the Bihar Prohibition and
Excise Act (Amendment), 2018.

3. As per the prosecution case, total recovery of 160
litre of wine is the subject matter of this case which is alleged to
be recovered from Tempo.

4. Counsel for the petitioner submits that the
petitioner is the passenger in the Tempo. He is neither owner,
nor driver nor khallasi of the Tempo.

5. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner



is in custody since 11.09.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, City in connection with Didarganj P.S. Case No. 301 of 2023 subject to the following conditions as well as the conditions laid down under Section 437(3) of the Cr.P.C.

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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