

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70846 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- KATORIYA District- Banka

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Rupesh Kumar @ Rupesh Kumar Tanti Son Of Basudev Kumar @ Basudev
Tanti Resident Of Village - Mohadipur, P.S. - Bath, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Katoriya P.S. Case No.305 of 2023, lodged on 23.08.2023,
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution case, total 178.92 liters of
Indian made foreign liquor has been recovered from a vehicle
which was driven by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is in custody since 23.08.2023 having no criminal
antecedent. He further submits that under wrong impression he
was driving the vehicle. He was completely unaware that liquor
was loaded in the vehicle.



4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Banka, in connection with Katoriya P.S. Case No.305 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 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.

(Dr. Anshuman, J)

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