

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70653 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

Raju Kumar, Son Of Late Hriday Narayan Mandal R/O Village- Ekchari
Diyara Mathurapur, P.S.- Ekchari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP-100)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Industrial P.S. Case No. 149 of 2023, lodged on 08.09.2023 under Sections 30(a), 32(ii) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, the FIR has been lodged against 2 named accused persons including the present petitioner from whose possession 230.250 litres of country made foreign liquor has been recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He also submits that the said liquor has been recovered from a Hyundai



car and he is not the owner of the said Hyundai car rather he is alleged to be the driver. Counsel further submits that the petitioner is completely unaware about this fact that there is illicit liquor kept in the car.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 08.09.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. 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 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 Exclusive Special Excise Judge-1st Bhagalpur in connection with Industrial P.S. Case No. 149 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 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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