

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73102 of 2023

Arising Out of PS. Case No.-566 Year-2023 Thana- DARIYAPUR District- Saran

BHUSHAN KUMAR @ BHUSHAN KUMAR S/O SRI UMESH RAY
VILLAGE- NATHA CHAPRA, PS. DARIYAPUR, DIST. SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Dariyapur P.S. Case No. 566 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2016, lodged on 02.09.2023 by the informant, Raj Kumar Singh.

3. As per the prosecution story, police intercepted two motorcycles with three bags. While one person escaped, the petitioner herein as also Abhishek were apprehended and from the bags, total 200 litres of country-made liquor were recovered / seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent and merely on suspicion, he has been apprehended and has already suffered by being in custody since 03.09.2023 (para 4 of the petition.



5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid fact that nothing has been recovered from his conscious possession rather from the bag and he has remained in custody since 03.09.2023 and further do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, in connection with Dariyapur P.S. Case No. 566 of 2023, subject to 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 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 the bail bonds.

(Rajiv Roy, J)

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