

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72997 of 2023

Arising Out of PS. Case No.-197 Year-2021 Thana- BIKRAM District- Patna

BANTA SETH @ MINT @ MINTOO Son of Baru Rai @ Baru Ram R/o vill
- Mitathal, P.S. - Gujarani Sadar, Distt. - Bhiwani (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard Mrs. Kumari Anupam, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Bikram P.S. Case No. 197 of 2021 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 17.9.2021 by the informant, Rajesh Kumar.

3. As per the prosecution story, a truck loaded with 1603.185 liters of foreign liquor were recovered/seized which followed the FIR.

4. Learned counsel for the petitioner submits that the name of the petitioner has come in the confessional statement of accused persons apprehended along with liquor in which it has been alleged that this petitioner had asked to deliver the



materials to a particular place save and except that he has no role to play in the matter and he has been unnecessarily dragged. He had no knowledge of the present case and the moment he came to know about it, has come into the judicial custody.

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the recovery is not from his conscious possession, is a native of different place, FIR lodged and ultimately he will 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. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Danapur, Patna, in connection with Bikram P.S. Case No. 197 of 2021 subject to the following conditions:

(i) one of the bailor should be the native of Bihar 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 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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