

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72962 of 2023

Arising Out of PS. Case No.-1123 Year-2023 Thana- DANAPUR District- Patna

RAJNISH KUMAR S/O ONKAR NATH TIWARY @ OMKARNATH
TIWARY RESIDENT OF BACK SIDE OF DANAPUR CIVIL COURT, P.S.-
DANAPUR, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagmani Kumar, Advocate

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood, APP

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 Spl. Excise Case No. 2649 of 2023 arising out of Danapur P.S. Case No. 1123 of 2023 for the offence punishable under Sections 30(a) 41, 56 of the Bihar Prohibition and Excise (Amendment) Act lodged on 22.8.2023 by the informant, Amrendra Tiwary.

3. As per the prosecution story, the police intercepted a E-Rickshaw and recovered 50 liters of country made liquor in five plastic gallons which followed the FIR.

4. Learned counsel for the petitioner submits that he is poor driver, had nothing to do with the materials that was carried by a passenger but as they escaped, he has been



implicated.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and is in custody since 23.8.2023 (para-1 of the petition), 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. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Spl. Excise Judge, Danapur, in connection with Spl. Excise Case No. 2649 of 2023 arising out of Danapur P.S. Case No. 1123 of 2023 subject to 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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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