

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73623 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- NTPC District- Bhagalpur

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MOHAN KUMAR S/O SINGESHAWAR MANDAL RESIDENT OF
VILLAGE-CHHOTI MOHANPUR, POLICE STATION-EKCHORI,
DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is in judicial custody in connection with N.T.P.C. P.S. Case No. 49 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 18.6.2023 by the informant, Tribhuwan Sharma.

3. As per the prosecution story, the police during patrolling duty, intercepted a motorcycle and recovered/seized altogether 49 liters of country made liquor. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather



from the dicky. Further, the police has implicated him by showing the recovery from his motorcycle.

4. Learned APP opposes the prayer stating that the motorcycle belongs to him from which recovery has been made.

5. Considering the submission put forward by the parties as also that he is in custody since 19.6.2023 (para-20 of the petition) and further he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Special Excise Judge-II, Bhagalpur, in connection with N.T.P.C. P.S. Case No. 49 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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