

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74918 of 2022

Arising Out of PS. Case No.-811 Year-2022 Thana- LAKHISARAI District- Lakhisarai

RAJEEV KUMAR S/o Jhingan Yadav R/v- Badi Kabaiya, Ward No. 32, P.S.-
Kabaiya, District- Lakhisarai Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 11.10.2022 in connection with Lakhisarai (Kabaiya) P.S. Case No. 811 of 2022 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 11.10.2022 by the informant Arvind Kumar.

The prosecution story, in brief, is that the informant Arvind Kumar A.S.I. Kabaiya police station submitted a written report to the S.H.O. Kabaiya P.S., stating therein that on 11.10.2022, he with other police personals were on night patrolling duty, where upon a secret information that two persons were fighting near Lakhisarai railway bridge for Satchel containing illegal liquor, they reached the place and found two persons fighting. On seeing police party, both tried to flee away but were caught. On query, they disclosed their name as Rajeev Kumar and Bali Mandal. On search, recovered 09 bottles of 750 ml foreign liquor totaling 6.750 liter from Rajeev Kumar and 02



bottles of 750 ml foreign liquor total 1.5 liter from the waist of Bali Mandal. Accordingly seizure list prepared and accuseds taken into custody.

It has been contended by the learned counsel for the petitioner that for recovery/seizure of 6.750 foreign liquor, he has already suffered by being in custody since 11.10.2022 (as stated in para-15 of the petition) as he has criminal antecedent of same nature whereas similar placed co-accused was granted bail by the learned subordinate court itself on 22.11.2022.

Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Considering his period of custody, as stated above as also the fact that case having been lodged, ultimately he has to face the music, this Court is inclined to grant him the privilege of bail with conditions:

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 Add. District & Sessions Judge IV-cum-Spl. Excise Court-I, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No. 811 of 2022 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 one year 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 application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

