

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4145 of 2024

Arising Out of PS. Case No.-478 Year-2023 Thana- PARBATTa District- Khagaria

Sachin Kumar S/O Janardan Poddar VILLAGE- BAISA WARD NO. 03, PS.
PARBATTa (MARAIYA), DIST. KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is an accused in connection with Parbatta (Maraiya) P.S. Case No. 478 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 19.10.2023 by the informant, Vijay Sahni.

3. As per the prosecution story, the police during the course of patrolling and upon secret information, intercepted an auto and 122.58 litres foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he is a driver and had little realization about the presence of liquor in the auto by some passenger, has already suffered by being in custody since 20.10.2023 (as stated in paragraph 15 of the bail application).



5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also that he is in custody since 20.10.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge-2, District Khagaria in connection with Parbatta (Maraiya) P.S. Case No. 478 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 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 his 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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