

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4148 of 2024

Arising Out of PS. Case No.-1060 Year-2023 Thana- BIHTA District- Patna

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SUSHOBHIT KUMAR @ GOLU KUMAR S/O MUKESH KUMAR R/O
VILLAGE- DAULATPUR, P.S- BIHTA, DISTT.- PATNA, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishikant Sharma, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is an accused in connection with Bihta P.S. Case No. 1060 of 2023 registered for the offences under sections 30(a), 32(ii)(iii) and 41(i)(ii) of the Bihar Prohibition and Excise Act lodged on 29.10.2023 by the informant, Rahul Kumar.

3. As per the prosecution story, the accused persons carrying a sack on the motorcycle were intercepted. 50 litres of country made liquor recovered/seized and the petitioner was driving the motorcycle. Accordingly, the FIR.

4. It is the contention of the petitioner is that he was driving the motorcycle and person who was pillion rider was having a sack, little realizing that it carries liquor.

5. Learned APP for the State, on the other hand,



opposes the prayer for bail.

6. Considering the submissions put forward by the parties, the petitioner is a young boy of 19 years, he do not have criminal antecedent and has remained in custody since 30.10.2023 (as stated in paragraph 8 of the bail application), 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 Court of Special Judge at Excise Court, Danapur in connection with Bihta P.S. Case No. 1060 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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