

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32673 of 2024

Arising Out of PS. Case No.-90 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Mohan Kumar son of Chandra Dev Ray Resident of Mohalla - House No. 162
Gosai Tola, Boaring Road, P.S.- Patliputra, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidyanath Prasad
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

- 2 20-07-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner is apprehending arrest in connection with LNMU P.S. Case No. 90 of 2023 instituted under Sections 30(a) of Bihar Prohibition and Excise Act lodged on 24.3.2023 by the informant, Sudish Kumar Pal.
3. As per the prosecution story, the police on patrolling saw a Maruti car parked behind the college and on search 24.660 liters of foreign liquor was recovered/seized. Accordingly, the FIR.
4. Learned counsel for the petitioner submits that the registration of the vehicle is stands in the name of long back sold to one Hema Kumari who could not got the name transfer which resulted into his implication. Petitioner has got no



criminal antecedent.

5. Learned APP opposes the prayer stating that he is the owner of the vehicle.

6. Taking into account the submission put forward by the parties and also his statement that he has sold the car to one Hema Kumari.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with LNMU P.S. Case No. 90 of 2023 to the satisfaction of learned Exclusive Special Excise Court-II, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bail bond by the Trial Court itself;



(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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.

(vii) If the petitioner is found involved in the case under section 30(a) of the Excise Act, this bail order shall also be cancelled.

(Rajiv Roy, J)

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