

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44325 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Banjariya District- East Champaran

Rohit Kumar, Son of Hira Mahto @ Mohan Mahto, R/o Village- Britiya, P.S.-
Turkaulia, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Dhananjay Kumar, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Banjariya P.S. Case No. 19 of 2024 registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The petitioner was apprehended by the police personnel while he was coming on a motorcycle. On search, 30 litres of country made illicit liquor was recovered from the motorcycle.

4. There is total denial of the allegation levelled in the first information report. It is contended on behalf of the petitioner that in fact nothing has been recovered from the



possession of the petitioner, however, only in order to implicate the petitioner, the recovery has been shown from the motorcycle. It is also the contention of the petitioner that there is complete defiance of Section 100 of the Cr.P.C., inasmuch, as there is no independent witness to the search and seizure. Be that as it may, the petitioner is in custody since 17.03.2024, having absolutely fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the petitioner is having clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Banjariya P.S. Case No. 19 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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