

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46494 of 2024

Arising Out of PS. Case No.-397 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

CHHATHU KUMAR @ CHHATHU KUMAR YADAV SON OF
VISHWANATH SINGH YADAV VILLAGE- SAHPUR, P.S.- CHENARI,
DISTT.- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 397 of 2024 for the offence punishable under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Amendment Act lodged on 28.04.2024 by the informant, Juhi Raj.

3. As per the prosecution story, the informant alleged that upon secret information, a Maruti 800 car was intercepted and recovered/seized 148.500 liters of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the car was being driven by the driver, he being the owner has been implicated and is in custody since 28.04.2024 (paragraph-8 of



the petition). Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 10,000/- with the District Legal Services Authority, Kaimur at Bhabua (for the purchase of journals).

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties, the period of custody, admittedly, he is an owner, not present in the car when it was intercepted, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000 to the District Legal Services Authority, Kaimur at Bhabua (for the purchase of journals) as undertaken by the learned counsel for the petitioner.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Spl. Judge Excise-II, Kaimur at Bhabua, in connection with Excise P.S. Case No. 397 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months 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.

(Rajiv Roy, J)

Adnan/-

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