

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49792 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- KORHA District- Katihar

SATYADEV PATEL SON OF LATE RAJMANGAL PRASAD @
RAJMANGAL PATEL VILLAE- BHATWATIWARI, P.S.- KHAMPAR,
DISTT.- DEWARIYA, UTTAR PRADESH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.
Mr. Saurav Anand, Adv
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 29-10-2024 Heard Mr. Dwij Raj, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in judicial custody in connection with Kodha P.S. Case No. 61 of 2024 for the offences punishable under Sections 30(a) of Bihar Liquor Prohibition & Excise Act, 2018, lodged on 12.03.2024 by the informant, Alok Rai.

3. As per the prosecution story, the informant alleged that a truck was intercepted and there is recovery/seizure of 15,000/- pieces of Coedine cough syrup (1500 litres) which followed the seizure list and the FIR.

4. Learned counsel for the petitioner submits that he is a truck driver having no role to play in the matter, had no knowledge about such criminal act rather he was having a valid



Challan/delivery paper to deliver the goods on the address given there. Further submission is that even otherwise, it comes to near 60 Grams which is much below the 1 KG, the commercial quantity.

5. Learned APP, Mr. Bharat Bhushan, though opposes the prayer concedes that it is below the commercial quantity envisaged under the Act.

6. Taking into account the aforesaid facts/submissions as also the fact that he is in custody since 14.03.2024 (para-17 of the petition) and has got no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-cum-Exclusive Special Judge Excise Court No. II, Katihar in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors 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 month for next 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)

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