

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49509 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- TILAUTHU District- Rohtas

Mukesh Kumar Singh Son of Shiv Shankar Singh R/o Village- Tumbatola
Kurum Dihra, P.S. and District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Tilauthu P.S. Case No. 130 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 19.05.2024 by the informant, Gautam Kumar.

3. As per the prosecution story, the informant alleged that upon secret information that three persons are selling foreign liquor near a motorcycle, went there and apprehended Rahul Kumar and Ravi Kumar while the other person, who escaped was named as Rajendra Sah. There is recovery of 6.37 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, recovery is from Rahul Kumar and Ravi Kumar while the person who escaped has been named as Rajendra Sah.



Rahul Kumar is his nephew and he had taken the motorcycle which is registered in his name and that way his implication.

5. Mr. Bharat Bhushan, learned APP opposes the prayer stating that the petitioner owns the motorcycle which was seized.

6. Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that the recovery/seizure is from Ravi Kumar and Rahul Kumar, the petitioner do not have criminal antecedent, Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner, named above, 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 Exclusive Excise Court No.2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 130 of 2024, 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 fortnight 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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