

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56260 of 2024

Arising Out of PS. Case No.-618 Year-2024 Thana- Excise P.S. District- Gaya

Fotu Kumar @ Fitu Kumar S/o Khirodhar Yadav @ Manju Ravi Das R/o vill
- Karan Bigha, P.S. - Barachatti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Excise P.S. Case No. 618 of 2024, registered for the offence punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. On a tip of trafficking of illicit wine, the police conducted vehicle checking; in course of which, the police intercepted the petitioner, who was coming on a motorcycle. On search, 32.5 liters beer was recovered.

4. There is total denial of allegation made in the FIR. Learned Advocate for the petitioner contended that in course of checking, some altercation has taken place, which resulted into lodging of the FIR. It is further contended that the petitioner was



apprehended on a public road but there is no independent witnesses to the search and seizure, which smacks *mala fide* on the part of the police personnel. Be that as it may, the petitioner is in custody since 13.06.2024, having fair antecedent and the investigation of the crime is complete.

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

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody, coupled with the fair 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 Excise Court No. 3, Gaya in connection with Excise P.S. Case No. 618 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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