

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60162 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BUXAR RAIL P.S. District- Bhojpur

Mintu, Son of Santosh Prasad, Resident of Mohalla- Chhoti Line Colony
Anaith Ara, Police Station- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Akash Kumar Mishra, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Buxar Rail P.S. Case No. 95 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. In course of checking in the train, the police found 82.455 litres of foreign liquor near the toilet in train no. 12295 (Sanghmitra Express). On suspicion, the petitioner was apprehended, who was found sitting near the bag, containing the illicit liquor.

4. Learned Advocate for the petitioner contended that the narratives made in the F.I.R. clearly suggests that only because of suspicion the petitioner was arrested. However, the



fact is that the petitioner has neither any concern with the bag, containing illicit liquor, nor he had ever been involved in such type of offence and the petitioner bears fair antecedent. It is next contended that though allegedly the recovery has been made from a train where hundreds of passengers were present, but the witnesses are none else, but the police personnel, which speaks malafide on the part of the police personnel. Be that as it may, now the petitioner is in custody since 21.06.2024 and the investigation of the crime is complete.

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 fact that the alleged recovery has been made from a train and only on suspicion, the petitioner was apprehended, coupled with the fair antecedent and the fact that charge-sheet has been submitted, 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-I, Bhojpur, Ara in connection with Buxar Rail P.S. Case No. 95 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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