

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59766 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- EAST CHAMPARAN GRP CASE
District- East Champaran

Rohit Kumar son of Sri Ram Bahadur Ram Resident of village- Belwatiya
Ward no 3, PS- Piprakothi, District- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 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 Rani Motihari P.S. Case No. 56 of 2024,
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition & Excise Act, 2022 (Amended).

3. In course of special checking, the informant with
the help of police personnel apprehended the petitioner and on
search, total 14.400 liters of Indian made foreign liquor was
recovered from the trolley, which was being carried by the
petitioner.

4. Learned Advocate for the petitioner contended that
the petitioner has no concern with the trolley bag. However, on



the fateful day, the police apprehended the petitioner on suspicion and shown the recovery from his possession. It is next contended that surprisingly, the petitioner was apprehended on a busy railway station, but there is no independent witnesses to the search and seizure and the witnesses are police personnel and, as such, in defiance of the provision of Section 100 of the Cr.P.C. It is further contended that the petitioner is a student of B.A. Honors 1st Part and in a tender age of 18 years, having fair antecedent.

5. On the other hand, learned APP for the State though initially opposed the bail application, however, he fairly submitted that the petitioner is a student and a sympathetic approach may be accorded to him.

6. Regard being had to the submissions made on behalf of the parties and considering the irregularities in the search and seizure, apart from the fact that the petitioner is a student, aged about 18 years, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Civil Court, East Champaran at Motihari in connection with Rani Motihari P.S. Case No. 56 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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