

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69642 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Suraj Kumar @ Chhotu @ Suraj Kumar Mishra @ Chhotu Kumar Son of
Jugul Kishor Mishra R/O Vill.- Telhara Kala, P.S.- Kundawa Chainpur, Dist.-
East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Ram, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kundwa Chainpur P.S. Case No. 106 of 2024 for the offence punishable under Sections 317(5) B.N.S., 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 19.07.2024 by the informant, Paras Nath Choudhary.

3. As per the prosecution story, the informant alleged that on 19.07.2024 while patrolling found a motorcycle coming. It was intercepted and there is recovery of 126 liters of Nepali liquor, as no paper was provided, the FIR.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him. He do not have criminal antecedent and has been implicated for which he has already



suffered by being in custody since 19.07.2024 (para-11 of the petition).

5. Learned APP opposes the prayer submitting that there is recovery of liquor from the motorcycle and the petitioner was apprehended.

6. Considering the aforesaid submission put forward by the parties as also the fact that the petitioner disowns the motorcycle, he do not have criminal antecedent and has remained in custody since 19.07.2024, this Court is inclined to extend him the privilege of bail with conditions. If however, it is found that contrary to the submission made, he is owner of the motorcycle, the order shall become infructuous.

7. Let the petitioner 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 Spl. Judge Excise-03, East Champaran, Motihari, in connection with Kundwa Chainpur P.S. Case No. 106 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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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