

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69955 of 2024

Arising Out of PS. Case No.-651 Year-2024 Thana- DANAPUR District- Patna

Gautam Kumar S/o Jatan Kumar Resident of Village- Shekhra Vigha, PO -
Sarmera, PS- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rita Jha, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Danapur P.S. Case No. 651 of 2024 for the offence punishable under sections 30(A) of the Bihar Prohibition and Excise Act lodged on 23.07.2024 by the informant, Vivek Ranjan Singh.

3. As per the prosecution story, the informant alleged that upon secret information, a scooty was intercepted and there is recovery of 72 litre country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only due to enmity, he has been implicated. Admittedly, the scooty does not belong to him and further he do not have criminal antecedent and the last submission is that he is in custody since 24.07.2024 (para 1 of the petition).



5. Learned APP opposes the prayer for bail.

6. Considering the aforesaid submissions put forward by the parties as also that the petitioner do not own the scooty, he is in custody since 24.07.2024 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Danapur P.S. Case No. 651 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/her 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 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.

8. Before parting, this Court would like to put on
record its word of appreciation for Ms. Rita Jha for the proper
assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

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