

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69893 of 2024

Arising Out of PS. Case No.-389 Year-2024 Thana- MALSALAMI District- Patna

Vishal Kumar S/o Subhash Singh R/o Gamaharpur, P.S.- Deedarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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 Malsalami P.S. Case No. 389 of 2024 for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, lodged on 21.08.2024 by the informant, Subhash Chandra Yadav.

3. As per the prosecution story, during patrolling, a tempo was intercepted and there is recovery/seizure of 150 litres of country made *Mahua*. Accordingly, the arrest/the FIR.

4. Learned counsel for the petitioner submits that the tempo does not belong to him and only because, he was riding as a passenger, arrested and is in custody since 21.08.2024. Further, he has got no criminal antecedent.

5. Though, learned APP opposes the prayer,



considering the fact that he does not own the vehicle nor has criminal antecedent, remained in custody since 21.08.2024, this Court is inclined to extend him the privilege of bail.

6. Let the petitioner, above named, 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 Special Judge, Excise, Patna City, Patna in connection with aforesaid P.S. Case, subject to the following conditions:

(i) one of the bailors should be the family member 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 month 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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