

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74477 of 2024

Arising Out of PS. Case No.-373 Year-2024 Thana- GARDANIBAG District- Patna

Mithilesh Rai @ Mithilesh Kumar S/O Dinesh Ray R/O Village Raghapur
Chandpura P.S. Fatehpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Rana Randhir Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Special Case No. 992 of 2024/Gardanibagh PS Case No. 373 of 2024 for the offences punishable under Sections 30(a)/36 of the Bihar Prohibition and Excise Act, lodged on 30.07.2024 by the informant, Rajkumar Singh.

3. As per the prosecution story, the informant alleged that during the patrolling, a tempo was intercepted and there is recovery/seizure of 84.96 litres of foreign liquor. Accordingly, the arrest and the FIR.

4. Learned counsel for the petitioner submits that only because of he being the driver of the said tempo, has been taken into custody and is in jail since 31.07.2024 (para-9 of the petition), he has no criminal antecedent.



5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the period of custody and further that petitioner has got no criminal antecedent, this Court is inclined to extend him the privilege of bail. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

7. 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-1, 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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