

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71927 of 2024

Arising Out of PS. Case No.-2012 Year-2024 Thana- Excise P.S. District- Patna

Rohit Kumar Son of Indradev Saw R/O Koli pasima, P.S.- Ramgadh,
Chauk,Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 2012 of 2024 for the offence under Section 30(a) of the Bihar Excise and Prohibition Act, 2016 and Amended Act, 2022 lodged on 25.08.2024 by the informant, Sashi Kumar Thakur.

3. As per the prosecution story, the informant alleged that one Bolero vehicle was intercepted and there is recovery of 362.88 liters foreign liquor from its chamber. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the vehicle, unknowingly, on the request of friend was driving and got implicated. He do not have criminal antecedent, is a student, is in custody since 26.08.2024 (para-8



of the petition). The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 20,000/- to the District Legal Service Authority, Patna, through Demand Draft issued by the local branch of the State Bank of India (exclusively for the purchase of Journals).

5. Learned APP opposes the prayer for bail submitting that he was part of vehicle when intercepted and recovery made.

6. Taking into account of the aforesaid submission and also the fact that he is a young person, do not have criminal antecedent and does not own the vehicle, this Court is inclined to extend him the privilege of bail with conditions subject to the payment as undertaken above.

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 Special Judge Excise-III, Patna, in connection with Excise P.S. Case No. 2012 of 2024 subject to the following conditions:

(1) 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 the 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 bail bond.

(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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