

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74541 of 2024

Arising Out of PS. Case No.-240 Year-2024 Thana- PHULWARIYA District- Gopalganj

Biku Kumar S/o- Balram Prasad @ Baliram Prasad Village- Kamlakant
karariya Police station-Phulwariya District-Gopalganj

The State of Bihar

Versus

... .. Petitioner/s

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Baijnath Sah, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Phulwariya P.S. Case No. 240 of 2024 for the offence punishable under section 317(5) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 12.08.2024 by the informant, Dharmendra Kumar Singh.

3. As per the prosecution story, the informant alleged that the police upon information, intercepted a truck and recovered/seized 328.680 liters of foreign liquor from its secret compartment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the tractor does not belong to him and he was asked by his owner Rampravesh Patel to drive the vehicle which led to his



implication, he do not have any criminal antecedent and is in custody since 12.08.2024 (paragraph-8 of the petition).

5. Learned APP opposes the prayer for bail submitting that he was driving the tractor from which the recovery/seizure has been made.

6. Considering the aforesaid submission of the parties as also the fact that he do not have any criminal antecedent and is in custody since 12.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. However, if it is found that the petitioner do have criminal antecedent, the present order shall become infructuous.

8. 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 Additional Session Judge-XIII-cum-Special Judge Excise-1, Gopalganj, in connection with Phulwariya P.S. Case No. 240 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.

(Rajiv Roy, J)

Adnan/-

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