

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74518 of 2024

Arising Out of PS. Case No.-584 Year-2024 Thana- SHASTRINAGAR District- Patna

Vishwajeet Kunwar @ Aayush Raj S/O ASHOK KUNWAR R/o vill - Balobh,
P.S. - Maharajganj, Distt. - Siwan, Presently residing at C/o R.P. Singh,
Jaiprakash Nagar, A.G. Colony, P.s. - Shastrinagar, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Raushan, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Learned counsel for the petitioner prays for and is
allowed to delete para 10 of the petition in course of the day.

2. The petitioner is in custody in connection with
Shastrinagar P.S. Case No. 584 of 2024 for the offence
punishable under sections 30(a) of the Bihar Prohibition and
Excise Act lodged on 02.08.2024 by the informant, Surendra
Kumar Singh.

3. As per the prosecution story, the informant alleged
that a white color car was parked. On arriving at that place,
scooty was also found parked along with it. One person tried to
escape while the other sitting in the car was apprehended, he
was the petitioner herein, there is recovery of 138.99 liter of
illicit liquor from the said car. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that neither the car nor the scooty belongs to him and only because of criminal antecedent, got implicated, he is in custody since 03.08.2024 (para 7 of the petition).

5. Learned APP opposes the prayer for bail submitting that when there was recovery/seizure, the petitioner was sitting in the car.

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the car or the scooty, he is in custody since 03.08.2024, 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 Exclusive Special Excise Court-2, Patna Sadar, Patna in connection with Shastrinagar P.S. Case No. 584 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)

Vijay Singh/-

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