

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73859 of 2024

Arising Out of PS. Case No.-481 Year-2024 Thana- BUXAR District- Buxar

Md. Raja Raeen Son of Majahar Raeen @ Majahar Raine Resident of village
- Shanti Nagar, Ward No. 12, Police Station - Buxar (Town), Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anwar, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-10-2024 Heard Mr. Anwar, learned counsel for the

petitioner and the State.

2. The petitioner is in custody in connection with Buxar P.S. Case No. 481 of 2024 for the offence punishable under sections 30(a) of the Indian Penal Code lodged on 30.08.2024 by the informant, Awdhesh Yadav.

3. As per the prosecution story, the informant alleged that in course of patrolling, upon secret information, motorcycle was intercepted and there is recovery of 45 liters of country made liquor in a bag. Accordingly, the FIR, arrest. Further, from an Alto car, there is recovery of 16.87 liters of liquor, a seizure was prepared and the accused were taken into custody.



4. Learned counsel for the petitioner submits that he does not own the motorcycle and only because being present at the wrong place and having criminal antecedent, implicated. Further, he is in custody since 31.08.2024 (para 16 of the petition).

5. Learned APP opposes the prayer for bail submitting that though he does not own the motorcycle, he has criminal antecedent.

6. Taking into account the aforesaid submissions as also the fact that the petitioner is not the owner of the motorcycle nor anything recovered from his conscious possession rather from a bag, he is in custody since 31.08.2024, 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 Special Excise Court-I, Buxar in connection with Buxar P.S. Case No. 481 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 one year 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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