

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74496 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- Mathurapur District- Samastipur

Ajeet Kumar @ Ajit Kumar Son of Ram Chandra Rai @ Ramchandra Ray
R/O- Belsandi Tara P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Adv.
		Ms. Neeli Kumari, Adv.
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard Mr. Neeli Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Mathurapur P.S. Case No. 66 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.09.2024 by the informant, Mukesh Kumar.

3. As per the prosecution story, upon secret information of movement of vehicle with liquor on the National Highway, the Duster car as also the Scorpio were intercepted and there is allegation of recovery/seizure of 276 liter beer from the Duster car and 72 liter from the Scorpio (totaling 348 liter beer). Accordingly, the FIR and the petitioner being occupant of the Duster car, amongst others, arrested.



4. Learned counsel for the petitioner submits that he was sitting in the wrong vehicle inasmuch as neither he owns the Duster nor the Scorpio and merely as a passenger he was asked to drive the car, implicated. Further, he do not have any criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that there is recovery/seizure of beer from the Duster car.

6. Having taken note of the submission put forward by the rival parties, the petitioner does not own the vehicle nor has criminal antecedent, he is in custody since 11.09.2024 (para 5 of the petition), FIR lodge, he will be diligently appearing in trial, 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 Judge, Excise Court-02, Samastipur in connection with Mathurapur P.S. Case No. 66 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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