

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80123 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- DIDARGANJ District- Patna

Manish Kumar Son of Bijendra Ray Resident of Vill- Gulmahiya Chak, P.S.-
Nandi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard Mr. Jay Ram Prasad, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Didarganj P.S. Case No. 312 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 05.09.2024 by the informant, Mirtunjay Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, a motorcycle was intercepted and from the jute bag, there is recovery/seizure of 60 litres of country made liquor containing in 12 polythin pack of 5 litre each. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the nothing has been recovered from his conscious possession,



implicated because of his criminal antecedent and is in custody since 06.09.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that there is no recovery from his conscious possession, has remained in custody since 06.09.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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, Patna City in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 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 month for next 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)

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