

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76669 of 2024

Arising Out of PS. Case No.-798 Year-2024 Thana- ALAMGANJ District- Patna

Bholu Kumar @ Bholu Sahani Son of Ajabi Lal Sahani R/O Gosaighat, P.S.-
Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jaishankar Kumar Yadav, Adv. Mr. Abhishek Rai, Adv.
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Abhishek Rai, learned counsel for the
petitioner and Mr. Mritunjay Kumar Nirala, learned APP.

2. The petitioner is in custody in connection with
Alamganj P.S. Case No. 798 of 2024 for the offence punishable
under sections 30(a) and 32 of the Bihar Prohibition and Excise
Act lodged on 12.09.2024 by the informant, Ranjit Singh.

3. As per the prosecution story, the informant alleged
that upon information, it intercepted a scooty and there is
recovery/seizure of 15 litre *mahua*. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he
does not own the scooty but only because of criminal
antecedent, implicated and he is in custody since 12.09.2024
(para 18 of the petition).



5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the scooty, FIR lodged, will be facing the trial, he is in custody since 12.09.2024, 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 Court of Excise, Patna city, District-Patna in connection with Alamganj P.S. Case No. 798 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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