

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77521 of 2024

Arising Out of PS. Case No.-589 Year-2024 Thana- FATEHPUR District- Gaya

Kuldeep Kumar Son of Dasrath Yadav Resident of Village - Goli Tetariya,
PS- Gurpa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Adv. Mr. Ashutosh Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard Mr. Ashutosh Kumar Mishra, learned counsel
for the petitioner and the State.

2. The petitioner is in custody in connection with Fatehpur P.S. Case No. 589 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 14.09.2024 by the informant, Kamlesh Kumar Singh.

3. As per the secret information, the police intercepted a motorcycle and there is recovery/seizure of 100 litre *Mahua*. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him, he was a pillion rider, later realized that it has liquor in it. He has no criminal antecedent and has already suffered by being in custody since 14.09.2024



(para 12 of the petition).

5. Learned APP opposes the prayer for bail submitting that he was riding the motorcycle from which the recovery has been made.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner do not have criminal antecedent, the motorcycle does not belong to him and he is in custody since 14.09.2024, 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 ADJ cum Exclusive Special Excise Court No. 4, Gaya in connection with Fatehpur P.S. Case No. 589 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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