

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76613 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- BAUNSI District- Banka

Mohit Raj Son of Pappu Yadav R/O Village- Karaila Bairiya, P.S.- Nathnagar,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and Mr. Nagendra Prasad, learned APP for the State.

2. The petitioner is in judicial custody in connection
with Bounsi P.S. Case No. 204 of 2024 for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act lodged on 19.06.2024 by the informant, Kamlesh
Kumar Sahni.

3. As per the prosecution story, the Police who is
informant and according to him, during patrolling, a pick up van
was intercepted and there is recovery/seizure of 891 of liters of
illicit foreign liquor. The petitioner being the part of the said
vehicle was arrested and the FIR.

4. Learned counsel for the petitioner submits that the
vehicle does not belong to him, he is the co-driver and had no



knowledge about the presence of the liquor. Further, he do not have criminal antecedent and is in custody since 20.06.2024 (para-4 of the petition). Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner would like to contribute Rs.15,000/- to the District Legal Services Authority, Banka for the fixing of benches in the Civil Court's campus, Banka through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he was in the vehicle when the recovery/seizure is made.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that he do not have criminal antecedent and will be facing the trial, is in custody since 20.06.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs.15,000/- to the District Legal Services Authority, Banka through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner 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 Court-1, Banka/Court concerned, Banka, in connection with Bounsi P.S. Case No. 204 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 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 next 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)

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