

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76502 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- JALALGARH District- Purnia

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Shyam Kumar S/O Sri Parmeshwar Prasad @ Parmeshwar Yadav Resident of village- Sukhpur Kalapatti ,Ward No -07 ,Police Station -Supaul ,District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate
For the State : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Jalalgarh P.S. Case No. 135 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 04.09.2024 by the informant, Md. Sarfaraj Alam.

3. As per the prosecution story, the police intercepted a car (KWID) and recovered/seized 114.750 liters of foreign liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent nor the car belongs to him but stands implicated in the case. It is his categorical submission that contrary to the observation made in the order of the learned



Sessions Judge he reiterates that the car does not belong to him and if it is found otherwise, the bail order may become infructuous, if the same is granted.

5. Learned APP for the State opposes the prayer submitting that as per the record, the car belongs to him.

6. Taking into account the categorical submission made by the petitioner that the car does not belong to him and he do not have criminal antecedent, has remained in custody since 05.09.2024, this Court is inclined to extend him the privilege of bail.

7. However, if it is found that a wrong statement has been and the car actually belongs to the petitioner, the order shall become infructuous.

8. 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 Exclusive Special Judge (Excise-1), Purnea in connection with Jalalgarh P.S. Case No. 135 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 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 now 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 bail bonds.

(Rajiv Roy, J)

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