

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77640 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- SITAMARHI District- Nawada

Ajit Kumar Son of Late Surendra Kumar Resident of Village - Rasalpura, P.S.
- Sitamarhi, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Sitamarhi P.S. Case No. 103 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act , 2016 lodged on 26.09.2024 by the informant, Rashmi Kumari.

3. As per the prosecution story, the informant alleged that upon secret information, a car was intercepted and 215 litre country made liquor recovered/seized, which led to the FIR.

4. Learned counsel for the petitioner submits that he does not own the car nor is the driver, is in custody since 26.09.2024 only because he has criminal antecedent. Further, without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Nawada for the purchase of Benches



for the Civil Court Campus of Nawada Judgeship through Demand Draft issued by the local branch of the State Bank of India.

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

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the vehicle nor is/was the driver, he is in custody since 26.09.2024, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs.10,000/- to the District Legal Services Authority, Nawada for the purchase of Benches for the Civil Court Campus of Nawada Judgeship 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Sitamarhi P.S. Case No. 103 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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