

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76545 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- JAYNAGAR District- Madhubani

Md. Akbar S/o Md. Sattar Resident of Village- Jaynagar, P.S.- Jaynagar,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-10-2024 Heard Mr. Shailendra Kumar Jha, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Jaynagar P.S. Case No. 257 of 2024 for the offences punishable under Sections 274, 275, 317(5) and 3(5) of the Bharatiya Nyaya Sanhita and 30(a) of the Bihar Prohibition and Excise Act, lodged on 10.09.2024 by the informant, Manoj Kumar.

3. As per the prosecution story, the informant alleged that an E-Rickshaw was intercepted and there is recovery/seizure of 144 Nepali liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he is the driver cum owner of the E-Rickshaw the passengers were there with the baggages, he has little realization that it carries



liquor for which has already suffered by being in custody since 11.09.2024 (paragraph no.11 of the petition) despite the fact that he do not have criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that he being the owner of the vehicle cannot exonerate himself from the responsibility.

6. Considering the submissions put forward by the parties as also the fact that nothing has been recovered from his conscious possession, he is in custody since 11.09.2024 and has not criminal antecedent, this Court is inclined to extend him the privilege of bail.

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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 257 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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