

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77646 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- Excise P.S. District- Rohtas

Kundan Kumar S/o- Pramod Baitha @ Pramod Kumar Ram Village- Tumba
Ps- Rohtas Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Asha Devi, 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 Excise Case No. 772 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 19.09.2024 by the informant, Prince Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, it intercepted two persons carrying bag on their respective heads. They tried to escape but the same was/were searched and 15 liter country made liquor each recovered/seized. This led to their arrest.

4. The further information came about the movement of a motorcycle with liquor whereafter, the same was intercepted, the petitioner was driving, 45 liter liquor recovered/seized which led to his arrest, FIR.



5. Learned counsel for the petitioner submits that the motorcycle does not belong to him, he is the passer-by, got implicated.

6. Learned APP opposes the prayer for bail.

7. Considering the submissions put forward by the parties as also the fact that the petitioner is a young boy of 19 years having no criminal antecedent, the motorcycle does not belong to him and he is in custody since 20.09.2024 (para 12 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

8. If however, it is found that he has criminal antecedent, the order shall become infructuous.

9. 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 Judge, Excise Court No. 1, Rohtas at Sasaram in connection with Excise Case No. 772 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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