

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76563 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- HASANPUR District- Samastipur

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Ankit Kumar Son of Anand Paswan R/O Vill.- Jagarnathpur, P.S.- Hasanpur,
Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the State : Mr. Sanjay Kumar Tiwary, 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 Hasanpur P.S. Case No. 107 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 02.09.2024 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the informant alleged that a motorcycle was intercepted and there is recovery/seizure of 16 liters of country made liquor from it. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent and the motorcycle does not belong to him, nothing has been recovered from his conscious possession and is in custody since 03.09.2024 (paragraph no.14



of the petition).

5. Learned APP for the State opposes the prayer submitting that the police arrested him along with the liquor.

6. Considering the aforesaid submissions put forward by the parties as also the categorical statement made by the petitioner that the motorcycle does not belong to him and is in custody since 03.09.2024 and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. However, if it is found that he owns the motorcycle, 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, Samastipur in connection with Hasanpur P.S. Case No. 107 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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