

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76635 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- Mathurapur District- Samastipur

Bipin Kumar Son of Upendra Mahto Resident of vill -Belsandi Tara PS
-Bibhutipur District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Mathurapur P.S. Case No. 66 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.09.2024 by the informant, Mukesh Kumar.

3. As per the prosecution story, upon secret information of movement of vehicle with liquor on the National Highway, a Duster car as also a Scorpio were intercepted and there is allegation of recovery/seizure of 276 liters of beer from the Duster car and 72 liters of illicit liquor (totaling 348 liters) were recovered. Accordingly, the FIR and the petitioner being occupant of the Scorpio car, amongst others, arrested.

4. Learned counsel for the petitioner submits that he



being the owner of the Scorpio had no knowledge that those present in the car are carrying liquor for which he has already suffered by being in custody since 11.09.2024 despite having no criminal antecedent. The last submission is that one Ajeet Kumar has been granted relief in Cr. Misc. No. 74496 of 2024. Let the same be kept on record.

4. Learned APP opposes the prayer submitting that he is owner of the said Scorpio.

5. Considering the submission put forward by the parties as also the fact that he do not have criminal antecedent and is in custody since 11.09.2024, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

6. 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 Special Judge (Excise) 02, Samastipur, in connection with Mathurapur P.S. Case No. 66 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 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 next 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)

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