

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78653 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

Prince Kumar @ Nirbhay Kumar Mishra S/o- Santosh Mishra @ Naresh Mishra Resident Of Masoomganj, Ps- Tara, Dist-Munger, Resident Of Masoomganj, Ps- Tarapur, Dist- Munger, At Present Resident Of Amarpur Ps- Amarpur Dist-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Industrial Area P.S. Case No. 155 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 15.09.2024 by the informant, Jitendra Kumar.

3. As per the prosecution story, the Police upon information, intercepted a Scorpio vehicle and from it, recovered/seized 164.07 liters of foreign liquor. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that the recovery/seizure is from the Scorpio vehicle and he is not the owner of the said vehicle, was a mere passenger having no



knowledge about the presence of the liquor for which he has already remained in custody since 15.09.2024 (paragraph-6 of the petition).

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

6. Considering the submissions put forwarded by the parties as also the fact that the petitioner does not own the vehicle, was a passenger in it and is in custody since 15.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

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-I, Bhagalpur, in connection with Industrial Area P.S. Case No. 155 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)

Adnan/-

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