

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76908 of 2024

Arising Out of PS. Case No.-856 Year-2024 Thana- ALAMGANJ District- Patna

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Basant Kumar @ Baba S/O Raju Bind @ Raja Kumar @ Raju Prasad R/O
Village- Gur Ki Mandi, Beldar Toli, P.S- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Alamganj P.S. Case No. 856 of 2024 for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, lodged on 26.09.2024 by the informant, Amarjit Kumar.

3. As per the prosecution story, the informant alleged that on Ashok Rajpath, a black scooty was intercepted and there is recovery/seizure of 120 liters of country made mahua. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he does not own the scooty, is in custody since 26.09.2024 (paragraph no.18 of the petition) and only because he has criminal antecedents gets implicated. Further, if granted relief he intends to visit Alamganj Police Station, Patna for cleaning the



campus for seven days also intend to plant a sapling at the end of seventh day.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent of the same nature.

6. Though allegations are there, considering the fact that he is in custody since 26.09.2024, F.I.R. lodged, he will be facing the trial, on the stand taken by the petitioner that he will be visiting the Alamganj Police Station campus to make it cleaner as also will be planting a sapling, this Court is inclined to extend him the privilege of bail. The SHO shall ensure that on everyday, his attendance is marked and on the seventh day, a copy of the same should be handed over to him as also the photograph of his planting of sapling in the campus be also taken.

7. Learned counsel for the petitioner submits that he will be providing all the documents in the Court in course of time.

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 Court of Excise, Patna City, Patna in connection with Alamganj P.S. Case No. 856 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.

9. List this case on 07.01.2025 under the heading ‘To Be Mentioned’ enable the learned counsel for the petitioner Mr. Abhishek Rai shall provide all the details as incorporated in the order.

(Rajiv Roy, J)

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