

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82296 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- SANHAULA District- Bhagalpur

Akhilesh Kumar @ Akhalesh Kumar S/O Dinesh Ravidas Village - Salempur,
P.S. - Pirpainty, Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sanhoula P.S. Case No.121 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 28.07.2024 by the informant, Kamlesh Kumar Singh.

3. As per the prosecution story, the informant alleged that during patrolling, a car was intercepted and there is recovery/seizure of 72 liters of foreign liquor. The petitioner was driving the car, arrest, FIR.

4. It is the case of the petitioner that the car does not belong to him, he being the driver, had no knowledge of the present of the liquor, has suffered by being in custody since 28.07.2024 (para-14 of the petition) having no criminal



antecedent and he being the only bread winner, the family is suffering.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that he was driving the car.

6. Taking into account the aforesaid submissions put forward by the parties as also the petitioner does not own the car, is in custody since 28.07.2024 having no criminal antecedent, 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) with two sureties of like amount each to the satisfaction of learned Special Excise Judge-2, Bhagalpur, in connection with Sanhoula P.S. Case No.121 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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