

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78074 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- MESKAUR District- Nawada

Ashik Kumar S/O Sanjay Rajbanshi R/O Vill- Guljar Bigha, P.S.- Fatehpur,
Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the State : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Meskaur P.S. Case No. 89 of 2024 for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, lodged on 28.09.2024 by the informant, Ramavtar Prasad.

3. As per the prosecution story, the informant alleged that upon secret information a motorcycle was intercepted and there is recovery/seizure of 150 liters of country made liquor, this led to the F.I.R/arrest.

4. Learned counsel for the petitioner submits that he does not own the motorcycle which has been seized, mainly because he was pillion rider, implicated. Further, he is in custody since 28.09.2024 (paragraph no.15 of the petition)



having no criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that he was arrested along with the liquor.

6. Taking into account the submission put forward by the parties as also the fact that he do not have criminal antecedent and is in custody since 28.09.2024, this Court is inclined to extend him the privilege of bail.

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 Exclusive Special Excise Court-1, Nawada in connection with Meskaur P.S. Case No. 89 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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