

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79198 of 2024

Arising Out of PS. Case No.-472 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Md. Akhtar khan @ Md. Akhtar S/o- Md. Hasim @ Hasmid Md. Ali Resident
of House No- 138 Ranchi Mohalla- Bharra Basti PS- Chas District-
Bokaro(Jharkhand) Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Lakhisarai (Kabaiya) P.S. Case No. 472 of 2020 for the offences punishable under Sections 30(a)/32(ii) of the Bihar Prohibition and Excise Act, lodged on 14.09.2020 by the informant, Harendra Singh.

3. As per the prosecution story, the informant alleged that upon secret information, a Pick-Up van was intercepted and there is recovery/seizure of 494.280 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though earlier he was owner of the Pick-Up van, subsequently, transferred it to one Ramesh Kumar, has no role to play and has remained in custody since 20.08.2024 (para-11 of the petition). Further, he has no criminal antecedent. The last submission is that irrespective of the outcome of the present case and or



accepting the allegation he intends to pay Rs.20,000/- (Twenty thousand) to the District Legal Services Authority, Lakhisarai, for installation of benches in the Civil Court campus, Lakhisarai.

5. Learned APP opposes the prayer submitting that he owns the vehicle when it was intercepted.

6. Considering the submissions put forward by the parties as also the fact that as per the petitioner, subsequently, the Pick-Up van was transferred to a person in the Jharkhand State, he has no criminal antecedent, has remained in custody since 20.08.2024, as undertaken, he shall be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 20,000/- (Twenty thousand) to the District Legal Services Authority, Lakhisarai, for installation of benches in the Civil Court campus, Lakhisarai. A receipt thereof is to be submitted before the trial court, Lakhisarai.

7. Let the petitioner, above named, 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 Additional Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court No.1, Lakhisarai in connection with aforesaid P.S.



Case subject to the following conditions:

(i) one of the bailors should be the family member 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 month 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)

perwez

U		T	
---	--	---	--

