

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77535 of 2024

Arising Out of PS. Case No.-691 Year-2024 Thana- Excise P.S. District- Nawada

Shivam Kumar Son of Kapil Yadav @ Kapildeo Prasad Yadav R/o Village - Mastangani, P.S. - Thali, District - Nawada. At Present Maharajganj, P.S. - Thali, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the State : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 691 of 2024 for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, lodged on 03.10.2024 by the informant, Archana Sinha.

3. As per the prosecution story, the informant alleged that a motorcycle was intercepted and there is recovery/seizure of 100 liters of country made liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him, merely because he being the pillion rider, implicated. Further, though he has criminal antecedent and it is the undertaking that in case, he is made an



accused in the similar nature of case, the present bail shall be canceled, if granted relief.

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

6. Considering the submissions put forward by the parties as also the fact that petitioner does not own the motorcycle and nothing has been recovered from his conscious possession, is in custody since 04.10.2024 (paragraph no.9 of the petition), this Court is inclined to extend him the privilege of bail. It is also made clear that if he is found implicated in another case of same nature, the prosecution shall take steps for the cancellation of the present bail bond.

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 Judge-II, Nawada, in connection with Excise P.S. Case No. 691 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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