

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79079 of 2024

Arising Out of PS. Case No.-722 Year-2024 Thana- Excise P.S. District- West Champaran

Vishwajeet Kumar S/O Om Prakash Sah R/O Vill.- Dabariya, Ward No - 04,
P.S- Nautan,Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Gupta, Adv.
For the Opposite Party/s	:	Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Ex-
cise P.S. Case No. 722 of 2024 for the offence punishable under
sections 30(a) of the Bihar Prohibition and Excise Act lodged on
17.09.2024 by the informant, Shankar Kumar Mandal.

3. As per the prosecution story, the informant alleged
that on secret information, the police raided the place and tried
to stop the vehicle. The accused wanted to escape but was ap-
prehended and there is recovery/seizure of 423.60 liter foreign
liquor.

4. Learned counsel for the petitioner submits that only
the pickup van is in the name of his father, he has been impli-
cated, has remained in custody since 17.09.2024 (para 10 of the
petition) and if granted bail, will diligently appear in trial.



5. Further, without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, West Champaran, Bettiah for the fixation of Benches for the Civil Court Campus of Bettiah Judgeship through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer for bail.

7. Taking into account the aforesaid facts/submissions put forward by the parties, the age of the petitioner, the pickup van is in the name of his father, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, West Champaran, Bettiah for the fixation of Benches for the Civil Court Campus, Bettiah. After the fixation of benches, the purchase receipt has to be submitted before the concerned Trial Court by the District Legal Services Authority, Bettiah.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Bettiah, West Champaran in connection with Excise P.S. Case No. 722 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/her 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 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)

Vijay Singh/-

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