

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78511 of 2024

Arising Out of PS. Case No.-353 Year-2024 Thana- SIRDALA District- Nawada

Rahul kumar Son of Makun Chaudhary @ Mukan Chaudhary @ Mukund
Chaudhary Resident of village- Dumari chatti p.s.- Fatehpur District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the State	:	Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sirdalla P.S. Case No. 353 of 2024 for the offences punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise Act, lodged on 19.09.2024 by the informant, Nagendra Paswan.

3. As per the prosecution story, the informant alleged that upon secret information the motorcycles were intercepted and there is recovery of 150 liters of country made liquor from one of the said motorcycle, this led to the F.I.R. Two of the accused persons namely Suraj Kumar and Ayush Kumar were apprehended who named this petitioner which led to his implication.

4. Learned counsel for the petitioner submits that



neither anything has been seized/recovered from his conscious possession nor the alleged motorcycle belong to him and only on the basis of false narration of the accused apprehended, he got implicated. Further submission is that he do not have criminal antecedent and is in custody since 20.09.2024 (paragraph no.11 of the petition).

5. Learned APP for the State opposes the prayer submitting that the accused apprehended have named him.

6. Taking into account the submissions put forward by the parties as also the fact that it is the case of the petitioner that he does not own the motorcycle, the recovery/seizure is attributed to the two other accused who have named him, he has no criminal antecedent and is in custody since 20.09.2024, 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 Sirdalla P.S. Case No. 353 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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