

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78413 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- DEHRI ON SONE RAIL P.S. District-
Gaya

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Amit Kumar S/o- Upendra Singh Resident of Mohalla- Kirani Ghat, P.S.-
Kotwali, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Rail
P.S. Dehri Case No. 03 of 2024 for the offence punishable under
sections 30(a) of the Bihar Prohibition and Excise Act, 2018
lodged on 22.09.2024 by the informant, Kumar Gourav.

3. As per the prosecution story, the allegation is that
from the compartment of the train, the place was raided and
there is recovery of 114.52 liter foreign liquor from the
petitioner while from Sagar Kumar, there is recovery of 43.8
liter foreign liquor. Accordingly, the FIR, arrest.

4. Learned counsel for the petitioner submits that it
has been recovered/seized from an open place but the police
implicated him, he has no criminal antecedent and he is in



custody since 27.09.2024 (para 4 of the petition).

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that the petitioner do not have criminal antecedent, the recovery is from a compartment, he is in custody since 27.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Excise Court No. 2, Gaya in connection with Rail P.S. Dehri Case No. 03 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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