

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78155 of 2024

Arising Out of PS. Case No.-450 Year-2024 Thana- MALSALAMI District- Patna

Vishal Kumar S/o Ram Pravesh Rai @ Raam Pravesh Yadav R/o Pathar Ghat,
P.S. - Malsalami, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Malsalami P.S. Case No. 450 of 2024 for the offence punishable under sections 30(a) Bihar Prohibition and Excise Act lodged on 25.09.2024 by the informant, Kumar Mishra.

3. As per the prosecution story, the informant upon patrolling, intercepted an e-rickshaw and upon search, recovered/seized 100 liters of country-made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is not the owner of the e-rickshaw and being the passenger had no knowledge about the presence of the liquor but was implicated because of his criminal antecedent.

5. Learned APP opposes the prayer for bail.



6. Taking into account the submission put forwarded by the parties as also the fact that he does not own the vehicle, is in custody since 25.09.2024 (paragraph-14 of the petition), FIR lodged and will be facing the trial, 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 Spl. Judge, Excise, Patna City, in connection with Malsalami P.S. Case No. 450 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)

Adnan/-

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