

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78631 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- JITNA District- East Champaran

Vijay Kumar S/O Om Prakash @ Omprakash Ram Resident of Village
Agarwa, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Jitna P.S. Case No. 09 of 2024 for the offence punishable under sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act lodged on 05.08.2024 by the informant, Chandan Prasad.

3. As per the prosecution story, the informant alleged that upon information that consignment is coming from Nepal side, the people moving were intercepted and the allegation is that from the two motorcycles there is recovery/seizure of 759 liters of Nepali liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that none of the motorcycle belong to him, he do not have any criminal antecedent and is in custody since 06.08.2024 (paragraph-11 of the petition).



5. Learned APP opposes the prayer for bail submitting that after the search, the recovery/seizure has been made.

6. Taking into account the aforesaid facts as also that the petitioner do not have any criminal antecedent, does not own either of the vehicle and is in custody since 06.08.2024, 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 Special Excise Court No. 03, East Champaran at Motihari, in connection with Jitna P.S. Case No. 09 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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