

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78116 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- NEMDARGANJ District- Nawada

MADAN KUMAR @ PRAMOD SON OF MAHENDRA YADAV
RESIDENT OF PANDEY BIGHA, P.S.- NEMDARGANJ, DISTRICT-
NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha,Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-11-2024 Heard Mr. Anirudh Kumar Sinha, learned counsel
for the petitioner and learned APP.

2. The petitioner is in judicial custody in connection with Nemdarganj P.S. Case No. 265 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.08.2024 by the informant, Brajesh Kumar.

3. As per the prosecution story, the informant alleged that the police intercepted a Ford Fiesta and recovered 200 litres of country made Mahua. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of he being the owner of the car, implicated which resulted into his custody since 19.09.2024 (para-14 of the petition). The last submission is that irrespective of the outcome



of the present case and or accepting the allegation he intends to pay Rs.10,000/- (Ten thousand) to the District Legal Services Authority, Nawada, exclusively for the purchase of books.

5. Learned APP opposes the prayer submitting that he being the car owner cannot exonerate himself from the allegation that has come in the FIR.

6. Considering the submissions put forward by the parties as also the fact that the petitioner has remained in custody since 19.09.2024, has not criminal antecedent and ultimately will be facing the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs.10,000/- (Ten thousand) to the District Legal Services Authority, Nawada, exclusively for the purchase of books

7. Let the petitioner, above named, 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 Judge, Excise Court No.1, Nawada in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 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 month for next 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.

8. Let a copy of this order be communicated to the learned District & Sessions Judge, Nawada for his perusal.

(Rajiv Roy, J)

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