

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82925 of 2024

Arising Out of PS. Case No.-617 Year-2024 Thana- FATEHPUR District- Gaya

Vivek Kumar Son of Upendra Yadav Resident of Village - Manjhala Kala,
P.S. - Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prithivi Raj Singh, Advocate
For the State	:	Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Fatehpur P.S. Case No. 617 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 30.09.2024 by the informant, Om Shankar Ojha.

3. As per the prosecution story, the informant alleged during patrolling, upon secret information, five motorcycles were intercepted. Though, some accused managed to escape, this petitioner was taken into custody and there is recovery/seizure of altogether 1000 liters of *mahua* wine from five motorcycles, in which 200 liters were recovered/seized from this petitioner. This led to the F.I.R.

4. Learned counsel for the petitioner submits that he has no concern with the motorcycle, was a pillion rider had no knowledge about the presence of liquor, has already suffered by



being in custody since 01.10.2024 and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs.20,000/- to the District Legal Services Authority, Gaya for the purchase of Steel Benches/Flower Pots for the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that he does not own the motorcycle nor has criminal antecedent, is in custody since 01.10.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Gaya by Demand Draft of local State Bank of India for the purchase of Steel Benches/Flower Pots for the Civil Court Campus of Gaya Judgeship and the receipt has to be submitted before the Trial Court.

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 Excise Court No.-4, Gaya in connection with Fatehpur P.S. Case No. 617 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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