

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82767 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- RAHIKA District- Madhubani

Govind Kamat Son of Upendra Kamat @ Upendra Kamati R/o village-
Gamhariya , P.s.- Basopatti , District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.
Mr. Gagandev Yadav, Adv.
Mr. Udeshya Kr. Yadav, Adv.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Rahika P.S. Case No. 202 of 2024 for the offence punishable under sections 336(2), 336(3), 303(2), 317(5), 274 and 275 of the BNS and 30(a) , 41(1) of the Bihar Prohibition and Excise Act, 2022 lodged on 21.09.2024 by the informant, Rupak Kumar.

3. As per the prosecution story, the police during patrolling intercepted a Scorpio and there is recovery/seizure of 810 liter foreign liquor and 144 liter beer can (totaling 954 liter foreign liquor). This led to the FIR, arrest.

4. Learned counsel for the petitioner submits that he is neither the owner nor the driver of the said vehicle, had taken lift but got implicated. Further, he has no criminal antecedent, is



in custody since 22.09.2024. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 30,000/- for the beautification of the Steel Benches in the Civil Court Campus, Madhubani through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that when the Scorpio was intercepted, he was present in it.

6. Having gone through the facts of the case as also the submissions of the parties, admittedly, he is neither the driver nor the owner, is in custody since 22.09.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 30,000/- for the beautification of the Steel Benches in the Civil Court Campus, Madhubani through Demand Draft issued by the local Branch of the State Bank of India.

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 Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Rahika P.S. Case No. 202 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/-

U		T	
---	--	---	--

