

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82691 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- PRANPUR District- Katihar

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Roushan Kumar @ Roshan Kumar son of Suresh Kumar Sah @ Suresh Kumar village- Nayatola, Tingachhiya, Ps- Katihar (Nagar), Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2024 Heard Dr. Kamal Deo Sharma, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
Pranpur P.S. Case No. 129 of 2024 for the offence punishable
under section 30(a) of the Bihar Prohibition and Excise Act
lodged on 28.08.2024 by the informant, Prasadha Kumar.

3. As per the prosecution story, the informant alleged
that upon secret information, the Police intercepted a Swift
Dezire and a black motorcycle. From the car, there is recovery
of 347.655 foreign liquor. This led to the FIR and one of the
arrested person is the petitioner.

4. Learned counsel for the petitioner submits that he
was riding the motorcycle from which, there is no recovery,
only because unfortunately, he was following the car, implicated
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, Katihar for the purchase of Steel Benches for the Civil Court Campus of Katihar Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Considering the submissions put forwarded by the parties as also the fact that he is in custody since 29.08.2024 (paragraph-4 of the petition), nothing has been recovered from the motorcycle which he was riding and does not own the Swift Dezire car, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Katihar for the purchase of Steel Benches for the Civil Court Campus of Katihar Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Katihar.

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 & Sessions Judge, Exclusive Special Judge, Excise Court No. 2, Katihar, in connection with Pranpur P.S. Case No.



129 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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