

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81661 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- BARHIYA District- Lakhisarai

Rajiv Kumar Son of Ramashish Singh R/O Vill.- Bihat, Ward no. 25,
Ibrahimpur, P.S.- Barauni, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the State : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Barahiya P.S. Case No. 234 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 23.09.2024 by the informant, Rakesh Kumar Shrivastav.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information, intercepted a Toto and 150 liters of country made liquor recovered/seized.

4. Learned counsel for the petitioner submits that he is not the owner of the vehicle, was a mere passenger, implicated, and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs.10,000/- to the District Legal Services Authority, Lakhisarai



for the purchase of Steel Benches for the Civil Court Campus of Lakhisarai 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 Toto and is in custody since 24.09.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Lakhisarai by Demand Draft of local State Bank of India 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 District and Additional Sessions Judge 4th-cum-Special Excise Court-1st, Lakhisarai in connection with Barahiya P.S. Case No. 234 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 one year 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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