

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80751 of 2024

Arising Out of PS. Case No.-366 Year-2024 Thana- MAHNAR District- Vaishali

Vikash Kumar S/o Ashok Prasad @ Ashok Kumar R/v - Murauwatpur, Ward
No.8, P.S. - Desari, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate
For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard Mr. Mahendra Thakur, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Mahnar P.S. Case No. 366 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 17.10.2024 by the informant, Vishwa Ranjan Singh.

3. As per the prosecution story, the informant alleged that in course of vehicle checking, one Kia Car was intercepted and recovered/seized 535 liters of beer from the vehicle which led to the FIR, arrest of the accused.

4. Learned counsel for the petitioner submits that he is a young boy, newly wedded, had no role to play in the matter, does not own the car, merely because he was sitting inside the car, implicated. Further, irrespective of the outcome of the



present case and/or accepting the allegation, the petitioner intends to contribute Rs. 20,000/- to the District Legal Services Authority, Vaishali at Hajipur for the beautification of Civil Court Campus of Vaishali at Hajipur through Demand Draft issued by the local branch of the State Bank of India.

4. Learned APP opposes the prayer submitting that the car was intercepted and the petitioner was part of it.

5. Taking into account the aforesaid facts as also the fact that the petitioner does not own the car, he is a young boy, is in custody since 18.10.2024 (para-4 of the petition) having no criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- to the District Legal Services Authority, Vaishali at Hajipur for the beautification of Civil Court Campus of Vaishali at Hajipur through Demand Draft issued by the local branch of the State Bank of India and the receipt of the same shall be submitted to the Trial Court by DLSA, Vaishali at Hajipur.

6. 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 Special Excise Court No.02, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 366 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 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 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.

(Rajiv Roy, J)

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