

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81650 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- JHAJHA District- Jamui

=====

Raushan Kumar Son of Narayan Saw Resident of village- Keshopur, PS-
Jhajha, Distt. Jamui Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Jhajha P.S. Case No. 339 of 2024 for the offence punishable under Sections 318(2), 336(3), 340(2) of B.N.S. & 30(a), 32, 36, 41(1) of Bihar Prohibition and Excise Act, 2022 lodged on 06.08.2024 by the informant, Kunj Bihari Kumar.

3. As per the prosecution story, the informant alleged that during patrolling and on secret information, a pick-up van, a car besides a motorcycle were intercepted and there is recovery/seizure 424.50 liters of foreign liquor from the pick-up van while 288 liters of foreign liquor from the car totalling 712.501 liters of foreign wine which resulted into FIR/arrest.

4. It is the case of the petitioner that none of vehicle belongs to him but only because of criminal antecedent, implicated. He has remained in custody since 06.08.2024 and lastly, irrespective of the outcome of the present case and/or



accepting the allegation, the petitioners intend to contribute Rs.20,000/- to the District Legal Services Authority, Jamui for the purchase of steel Benches for the Civil Court Campus, Jamui through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that the petitioner was part and parcel of the said recovery/seizure.

6. Considering the aforesaid submissions as also the fact that the petitioner does not own the vehicle, is in custody since 06.08.2024, in that background, 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 petitioners to be paid to the DLSA, Jamui for the purchase of steel Benches in the Civil Court Campus, Jamui by Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court. It is however made it clear that in case, it is found that any of the vehicle that was seized/recovered, belongs to this petitioner, the bail order shall become infructuous.

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-I, Jamui, in connection with Jhajha P.S. Case No. 339 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)

Ravi/-

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

