

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82856 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- Excise P.S. District- Madhepura

Sriram Kumar S/O- Virendra Sah R/O Vill.- Jiwachpur, ward no-7, P.S-
Madhepura (Bharrahi O.P) ,Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Udakishunganj Excise P.S. Case No. 159 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 20.08.2024 by the informant, Vikash Kumar.

3. As per the prosecution story, the informant alleged that on secret information, a motorcycle was intercepted and there is recovery/seizure of 136 liters of country made liquor. This led to the FIR.

4. It is the case of the petitioner that the motorcycle does not belong to him, he being the pillion rider, had no knowledge about it, has already suffered by being in custody since 21.08.2024 only because he has criminal antecedent and lastly irrespective of the outcome of the present case and/or



accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Madhepura for the beautification/purchase of steel Benches for the Civil Court Campus, Madhepura 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 opposes the prayer.

6. Taking into account the aforesaid submission put forward by the parties as also that the petitioner does not own the vehicle, is in custody since 21.08.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Madhepura for the beautification/purchase of steel Benches for the Civil Court Campus, Madhepura through Demand Draft issued by the local branch of the State Bank of India.

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 Additional Sessions Judge-VII cum Special Judge Excise-II, Madhepura, in connection with Udakishunganj Excise P.S. Case No. 159 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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