

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81141 of 2024

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

Dilbar Kumar Son of Rambali Yadav Resident of village -Kailashpur ward
No. 4, PS- Singhaul, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024 Heard the parties.

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

3. As per the prosecution story, the informant alleged that on the basis of secret information, they started checking the vehicle and intercepted a Toto rickshaw from which, 150 liters of mahua recovered/seized. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that he does not own the Toto rickshaw, has no criminal antecedent and is in custody since 24.09.2024 (paragraph-9 of the petition).

5. Learned APP opposes the prayer for bail.



6. Taking into account the submissions put forwarded by the parties as also that he does not own the vehicle and remained in custody since 24.09.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 and Sessions Judge IV-cum-Special Excise Court 1st Excise Act, Lakhisarai, in connection with Brahiya 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/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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