

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82881 of 2024

Arising Out of PS. Case No.-692 Year-2024 Thana- PATNA GRP CASE District- Patna

Rajesh Kumar S/O Lal Bahadur Singh R/O Mohalla- Sankat Mochan lane,
Chowk- Sikarpur, nala par, P.S- chowk, District- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
Mr. Abhisek Kumar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 At the outset, Mr. Sabal Kumar Jha assisted by Mr. Abhisek Kumar, learned counsel for the petitioner submits that in the prosecution story, wrongly the actual recovery/seizure which is 30.750 liters of foreign liquor has not been stated for which he shall be contributing Rs. 2000/- towards Patna High Court Legal Services Committee and the receipt will be filed in course of the day before the Court.

2. Heard the parties.

3. The petitioner is in judicial custody in connection with Rail P.S. Patna Junction (Rajendra Nagar) Case No. 692 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 24.09.2024 by the informant, Anwar Sami Siddiqui.



4. As per the prosecution story, the Police on Platform No. 01 of Rajendra Nagar Junction found two trolley bags. The owner was missing and as such upon opening the same, there is recovery/seizure of 10.500+20.250 totalling 30.750 liters of foreign liquor. This led to the FIR.

5. It is the case of the petitioner that the recovery/seizure is not from his conscious possession but only on suspicion, implicated. He has no criminal antecedent and is in custody since 27.09.2024.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid submission put forward by the parties as also noting has been recovered from his conscious possession and is in custody since 27.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Special Judge, Excise-1, Patna, in connection with Rail P.S. Patna Junction (Rajendra Nagar) Case No. 692 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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