

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82961 of 2024

Arising Out of PS. Case No.-633 Year-2024 Thana- Excise P.S. District- Bhagalpur

Rohan Das @ Rohit Das @ Rohit Kumar S/o- Santosh Das Resident of
village- Mirjapur ward no 5, Ps- Sabour District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in custody in connection with
Excise (Sadar) P.S. Case No. 633 of 2024 for the offence
punishable under section 30(a) of the Bihar Prohibition and
Excise Act lodged on 10.08.2024 by the informant, Birendra
Kumar Pathak.

3. As per the prosecution story, the informant alleged
that during patrolling, a Toto was intercepted and there is
recovery/seizure of 40 liters country-made liquor which led to
the FIR/arrest.

4. Learned counsel for the petitioner submits that the
Toto does not belong to him, as a passenger, he was sitting in it
when the Police intercepted and alongwith the liquor, he was
implicated only because he has criminal antecedent.



5. Learned APP opposes the prayer for bail submitting that he has criminal antecedents.

6. Taking into account the submissions put forwarded by the parties as also that the petitioner does not own the *toto*, is in custody since 11.08.2024 (paragraph-4 of the petition) and an undertaking has been given that he will be diligently appearing in trial, 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 Exclusive Special Judge-I, Bhagalpur, in connection with Excise (Sadar) P.S. Case No. 633 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 one year 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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