

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83813 of 2024

Arising Out of PS. Case No.-355 Year-2024 Thana- TILAUTHU District- Rohtas

=====

Vivek Kumar @ Bhola Kumar @ Bhola @ Mola Kumar S/O Manoj Kumar
Singh @ Bhanu Singh R/O Village- Bhaisaha, P.S- Indrapuri, District- Rohtas
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard the parties.

2. The petitioner is in custody in connection with
Tilauthu P.S. Case No. 355 of 2024 for the offence punishable
under sections 317(5) Bharatiya Nyaya Sanhita and Section 30(a)
Bihar Prohibition and Excise Act lodged on 18.10.2024 by the
informant, Ramesh Mehta.

3. As per the prosecution story, the informant alleged
that upon secret information and during patrolling, a motorcycle
and Eon car were intercepted and there is recovery/seizure of 55
liters and 220 liters respectively (totalling 275 liters) of country
made liquor. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that he
does not own either the car or the motorcycle, was merely sitting
in the car for which he has already remained in custody since
20.10.2024. Though, he concede that he has criminal antecedent
and the last submission is that without accepting the allegation



and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Rohtas for the purchase of Steel Benches for the Civil Court Campus of Rohtas at Sasaram Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he was present in the car from where the recovery/seizure was made.

6. Considering the submissions put forwarded by the parties as also the categorical statement made by the petitioner that he does not own either of the vehicle and is in custody since 20.10.2024, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Rohtas for the purchase of Steel Benches for the Civil Court Campus of Rohtas at Sasaram Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Rohtas.

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 Court of Exclusive Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Tilauthu



P.S. Case No. 355 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/-

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

