

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83269 of 2024

Arising Out of PS. Case No.-261 Year-2024 Thana- BARGAINIA District- Sitamarhi

Rajesh Kumar Yadav S/O Baiju Ray Yadav R/O Village - Laxmipur ward no.
-8, P.S. - Gaur, Dist. - Rautahat (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Mobassar Ali, Advocate Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard Mr. Md. Mobassar Ali, learned counsel for the
petitioner and Mr. Kanhiya Kishore, learned APP for the State.

2. The petitioner is in custody in connection with
Bairgania P.S. Case No. 261 of 2024 for the offence under
Sections 30(a), 30(c) of the Bihar Prohibition and Excise Act
lodged on 16.10.2024 by the informant, Kumar Deepak Singh.

3. As per the prosecution story, the informant
intercepted four motorcycles loaded with sacks coming from
Nepal. The accused leaving the motorcycles, tried to escape but
two of them including the petitioner were apprehended. Further,
upon search from all the four motorcycles, there is
recovery/seizure of 710.7 liters Nepali foreign liquor which led
to the F.I.R.



4. Learned counsel for the petitioner submits that none of the motorcycles belongs to him, being a passerby, implicated. He has no criminal antecedent and is in custody since 17.10.2024 (para-4 of the petition). Further, the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- (Twenty Thousand) to the District Legal Services Authority, Sitamarhi for fixation of steel Benches/ for beautification of Civil Court Campus of Sitamarhi through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that the petitioner was caught on the spot.

6. Taking into account the aforesaid submissions coupled with the fact that the petitioner does not own either of the motorcycles, is in custody since 17.10.2024, having no criminal antecedent, chargesheet submitted and he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- (Twenty Thousand) to the District Legal Services Authority Sitamarhi, for fixation of steel Benches/ for beautification of Civil Court Campus of Sitamarhi through



Demand Draft issued by the local branch of the State Bank of India and the receipt of the fixation of the benches shall be submitted to the trial Court by DLSA, Sitamarhi.

7. 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 Exclusive Special Excise Court No.1, Sitamarhi in connection with Bairgania P.S. Case No. 261 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 the 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 bail bond.



(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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