

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83751 of 2024

Arising Out of PS. Case No.-728 Year-2024 Thana- Excise P.S. District- Nawada

Manish Kumar Son of Sanjay Prasad @ Sanjay Prasad Yadav Resident of At-Satgir, P.S.- Rajouli, District- Nawada Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Ranjan, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-12-2024 Heard Mr. Amit Ranjan, learned counsel for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Excise Nawada P.S. Case No. 728 of 2024 for the offences punishable under Sections 30(a), 47 of the Bihar Prohibition and Excise Act, lodged on 19.10.2024 by the informant, Bablu Kumar.

3. As per the prosecution story, the informant alleged that during patrolling and upon secret information, a motorcycle was intercepted and there is recovery/seizure of 40 litres of country made liquor. Accordingly, the FIR/arrest.

4. It is the case of the petitioner that though he owns the motorcycle but there is no recovery from his conscious possession, nor had any knowledge about the presence of liquor, had taken the motorcycle for a ride little realizing that it



contains liquor, already suffered by being in custody since 20.10.2024 (para-4 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the period of custody coupled with the fact the petitioner has no criminal antecedent, is in custody since 20.10.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Court No. 2, Nawada in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors 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 month 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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