

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83275 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Rajeev Kumar @ Bantha @ Ranjeet Kumar Son of Ram Lakhan Singh @
Lakhan Mahto @ Lakhan Singh Resident of Village- Virsahia, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard the parties.

2. The petitioner is in custody in connection with
Bibhutipur P.S. Case No. 95 of 2024 for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act lodged on
22.03.2024 by the informant, Sanjeev Singh.

3. As per the prosecution story, the police, during
patrolling, raided a bamboo garden and there is recovery/seizure
of 99 liters foreign liquor which led to the F.I.R.

4. Learned counsel for the petitioner submits that only
because of criminal antecedent, he has been implicated.
Admittedly, the recovery/seizure is from an open place and not
from his conscious possession. He is in custody since
22.10.2024 (para-4 of the petition) and shall be diligently appear



in trail.

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

6. Taking into account the aforesaid submissions as also the fact that recovery is from an open place, he has remained in custody since 22.10.2024 and has undertaken to diligently appear in trial, in that background, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, District-Samastipur in connection with Bibhutipur P.S. Case No. 95 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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