

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84239 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

Saheb Rai Son of Uma Rai @ Umakant Ram Resident of Champapur, Yadav
Tola, P.S -Patahi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kundawa Chainpur P.S. Case No. 156 of 2024 for the offence punishable under Sections 317(5) of BNS, 2023, 30(a) of the Bihar Prohibition and Excise Act lodged on 18.10.2024 by the informant, Jitendra Prasad Singh.

3. As per the prosecution story, the Police intercepted a Hyundai Santro Car and there is recovery/seizure of 876 liters of Nepali foreign liquor. This led to the FIR/arrest.

4. It is the case of the petitioner that he is neither the owner nor the driver of the car, taken lift and got implicated. Further, he is in custody since 18.10.2024 and the last submission is that irrespective of the outcome of the present



case and/or accepting the allegation, the petitioner intends to contribute Rs.15,000/- to the District Legal Services Authority, Motihari, East Champaran for the installation of steel benches/beautification of the Civil Court Campus, Motihari, East Champaran through Demand Draft issued by the local branch of the State Bank of India.

4. Learned APP opposes the prayer.

5. Taking into account the aforesaid facts as also that he does not own the car nor is the driver, is in custody since 18.10.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 15,000/- to the District Legal Services Authority, Motihari, East Champaran for the installation of steel benches/beautification of the Civil Court Campus, Motihari, East Champaran through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

6. 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.03/concerned court, Motihari, East Champaran, in connection with Kundawa Chainpur P.S. Case No. 156 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 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 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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