

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78079 of 2024

Arising Out of PS. Case No.-77 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Vishal Kumar Son of Chunnu Rai @ Chhunnu Yadav @ Channu Yadav R/O-
Village- Pattharghat, Maruganj, PS- Malsalami, Distt.- Patna, Permanent
address Village- Sukmarpur, P.S.- Raghapur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
	:	Ms. Pratibha Gupta, Advocate
For the State	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2025 Heard Ms. Pratibha Gupta, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Chowk P.S. Case No. 77 of 2021 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 08.03.2021 by the informant, Krishna Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, an Auto was intercepted and there is recovery/seizure of 90 liters of country made liquor accordingly, the Auto seized and the F.I.R. lodged.

4. Learned counsel for the petitioner submits that neither he owns the Auto nor is the driver, is in custody since



07.09.2024 and implicated only because he has criminal antecedent and similar situate co-accused has been granted relief in Cr. Misc. No.69105 of 2023 (Dilip Kumar vs. State of Bihar).

5. Learned APP for the State opposes the prayer for bail.

6. Having gone through the facts of the case and the materials on record, the petitioner neither owns the Auto nor is the driver, is in custody since 07.09.2024, one of the co-accused Dilip Kumar has been granted relief as stated above, in that background, this Court is inclined to extend him the privilege of bail.

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 Court of Excise, Patna City in connection with Chowk P.S. Case No. 77 of 2021, 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 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 bail bonds.

8. Before parting this Court would like to put on record its word of appreciation for Ms. Pratibha Gupta for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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