

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77155 of 2024

Arising Out of PS. Case No.-398 Year-2024 Thana- BAHADURPUR District- Patna

Randhir Kumar Son of Umesh Prasad R/O Vill.- Sandalpur Devi Sthan, P.S.-
Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Bahadurpur P.S. Case No. 398 of 2024 for the offence punishable under sections 30(a), 32 and 41(1)(2) of the Bihar Prohibition and Excise Act lodged on 20.09.2024 by the informant, Ajay Kumar.

3. As per the prosecution story, upon secret information, the Police raided Alka Colony and found cartons there being kept in tempo/motorcycle. Upon search, there is allegation of recovery of 32.400 liters spirit from the motorcycle and 54 liters from the tempo. Further, upon search of the *godown*, 468 liters spirit recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is a student of B.H.M.S. under Dr. Bhimrao Ramji Ambedkar



Bihar University, Muzaffarpur and further, one of the co-accused, Sumit Kumar has been granted bail in Cr. Misc. No. 77435 of 2024, is in custody since 21.09.2024 (paragraph-13 of the petition) and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he intends to contribute Rs. 10,000/- to the Chief Minister's Relief Fund.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for bail submitting that he has criminal antecedent.

6. Having gone through the facts of the case as also that he is a student, has remained in custody since 21.09.2024, one of the co-accused has been granted bail, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise, Patna City, Patna, in connection with Bahadurpur P.S. Case No. 398 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/her 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 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)

Adnan/-

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