

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78957 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- BYPASS District- Patna

Piyus Kumar Son of Late Anuj Prasad Resident of Mohalla- Kamashikoh, At
Hajiganj, PS-Chowk, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.
For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-02-2025 Heard the parties.

2. The petitioners are in custody in connection with Bypass P.S. Case No. 245 of 2024 for the offence punishable under sections 272, 273, 468, 471 and 34 of the Indian Penal Code and 30(a)/30(d) of the Bihar Prohibition and Excise Act 2022 lodged on 16.06.2024 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged that the petitioner under the said police station, having a criminal antecedent was apprehended only to be informed that he along with other co-accused have prepared a godown in the underground hall of Suresh Prasad. He was taken to the said place and there is recovery/seizure of 10 liter spirit, 15 liter liquid chemical as also empty bottles and also he gave the name of the other accused persons. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that only due to criminal antecedent, he was picked up and forced to confess. The recovery/seizure is from the underground godown of Suresh Prasad, nothing has been recovered from his conscious possession and is in custody since 05.07.2024 (paragraph 7 of the petition). The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Patna for the beautification of Civil Court Campus of Patna City Court through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that it was on his confession that the recovery/seizure took place.

6. Though the allegation is there and he is also having criminal antecedent, considering the fact that nothing has been recovered from his conscious possession and he is in custody since 05.07.2024, stated above, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Patna City for the beautification of Civil Court Campus, Patna City through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be



submitted to the Trial Court by the DLSA, Patna.

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 Court of Excise, Patna City in connection with Bypass P.S. Case No. 245 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 one year 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.

8. Let a copy of the order be communicated to the learned Principal District Judge, Patna City for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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