

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80646 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- Lakho District- Begusarai

Bambam Kumar S/o- Saheb Sunder Singh Resident of village- Iniyar, P.S.-
Lakho, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate
For the State : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Lakho P.S. Case No. 123 of 2024 for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, lodged on 03.09.2024 by the informant, Madan Kumar Singh.

3. As per the prosecution story, the informant alleged that during patrolling, a Maruti Swift car was intercepted on NH-31 and there is total recovery of 128.25 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he was not present in the car but Gaurav Kumar gave his name to be the person who escaped, he has remained in custody since 02.10.2024 (paragraph no.7 of the petition) and further do



not have criminal antecedent. He further submits that Gaurav Kumar has been granted bail in Cr. Misc. No. 76617 of 2024.

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

6. Considering the aforesaid submissions put forward by the parties as also the fact that the petitioner does not own the car, nothing has been recovered from his conscious possession, is in custody since 02.10.2024 and do not have criminal antecedent, 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 Excise Judge-I, Begusarai in connection with Lakho P.S. Case No. 123 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 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.

(Rajiv Roy, J)

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