

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81509 of 2024

Arising Out of PS. Case No.-2128 Year-2024 Thana- Excise P.S. District- Patna

Badal Kumar S/o Sanjay Thakur Resident of Village- Sewati, Police Station-
Dhanarua, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 2128 of 2024 for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, lodged on 09.09.2024 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that on secret information, it reached near the Rajendernagar Dhanush bridge and on suspicion, a Fiat car was intercepted and there is recovery/seizure of 420 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the Fiat car does not belong to him, he was only a passenger but got implicated, he do not have criminal antecedent and is in custody



since 10.09.2024 (paragraph no.9 of the petition). His further submission is that one of the co-accused Manish Kumar has been extended relief in Cr. Misc. No. 79465 of 2024.

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

6. Considering the submissions put forward by the parties as also the fact that he is not the owner of the vehicle, has no criminal antecedent and is in custody since 10.09.2024 further, one of the co-accused has been extended 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 Excise Court-III, Patna in connection with Excise P.S. Case No. 2128 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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