

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84366 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- Kachna District- Katihar

Mukesh Kumar Son of Late Om Prakash Poddar Resident of Village-
Gulabbagh, Harish Chandra Nagar, P.S. - Sadar, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-03-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with G.R. 4734/24 (arising out of Kachna P.S. Case No. 33/2024) for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 06.09.2024 by the informant, Deepnarayan Paswan.

3. As per the prosecution story, the informant alleged that upon information, it intercepted three vehicles and recovery/seizure is/are made in the following manner:

(i) black Scorpio- 9 liters foreign liquor;

(ii) grey colour XUV 500 - 279 liters foreign liquor

and;

(iii) white Scorpio- 342 liters foreign liquor.

4. Thus, the total recovery/seizure is 630 liter foreign



liquor, which led to the present case.

5. Learned counsel for the petitioner submits that he earlier owned XUV - 500 which was sold to one Tuntun Yadav residing in Madhepura and was also signed to this effect (Annexure P-2). However, since the transfer could not be executed before the District Transport Officer, in view of the fact that the car is still registered against his name, got implicated.

6. Further, he do not have criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Katihar for the beautification of the Civil Court Campus of Katihar Judgeship through Demand Draft issued by the local branch of the State Bank of India.

7. Learned APP though opposes the prayer for bail concede that he has no criminal antecedent and one Subodh Singh has been extended relief in Criminal Miscellaneous No. 79159 of 2024.

8. Taking into account the aforesaid facts as also that though he is the owner, according to him, it was transferred in the name of Tuntun Yadav, nothing has been recovered from his



conscious possession, he do not have criminal antecedent, an undertaking has been given that he shall be diligently appearing in Trial , in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. Rs. 20,000/- to the District Legal Services Authority, Katihar for the beautification of the Civil Court Campus, Katihar and the receipt has to be submitted before the concerned Trial Court by the District Legal Services Authority, Katihar.

9. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Exclusive Excise Court No. 2, Katihar in connection with Kachna P.S. Case No. 33 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 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 next six months to mark 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 the bail bonds.

11. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Katihar for perusal and needful.

(Rajiv Roy, J)

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