

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83736 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- GORADIH District- Bhagalpur

Abhishek Kumar @ Bambam S/O Rajendra Singh Resident of Vill.- Harpur
Bhindi, P.S- Tajpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-02-2025 Heard Mr. Anish Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is in custody in connection with
Goradih P.S. Case No. 142 of 2024 for the offence under
Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise
Act lodged on 09.10.2024 by the informant, Pawan Kumar.

3. As per the prosecution story, the informant alleged
that on information, intercepted a pickup van and there is
recovery/seizure of 698.7 liters foreign liquor. This led to the
F.I.R.

4. Learned counsel for the petitioner submits that he
is not the owner of the vehicle and has no concerned with it,
only because criminal antecedent and presence at an



inappropriate place, he is alleged to be a liner, implicated. He is in custody since 10.10.2024 (para-4 of the petition) and the co-accused Ram Punit Ray @ Punit Ray has been granted bail in Cr. Misc. No.80839 of 2024. Further, the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs.20,000/- to the District Legal Services Authority, Bhagalpur for installation of Music System in the Civil Court Campus of Bhagalpur through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Taking into account the aforesaid submission as also the fact that he does not own the vehicle, at best be either driving or sitting, is in custody since 10.10.2024 and will be facing the music ultimately, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.20,000/- to the District Legal Services Authority Bhagalpur, for installation of Music System in Civil Court Campus of Bhagalpur through Demand Draft issued by the local branch of the State Bank of India and the receipt of the fixation of the steel benches shall be submitted to the trial



Court by DLSA, Bhagalpur.

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 Special Judge-II, Bhagalpur in connection with Goradih P.S. Case No. 142 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 and the 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 bail bond.

(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 sent to the learned
Principal District and Sessions Judge, Bhagalpur, for his
perusal and needful.

(Rajiv Roy, J)

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