

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86487 of 2024

Arising Out of PS. Case No.-1390 Year-2024 Thana- Excise P.S. District- East Champaran

Sumit Kaushal Jha S/O Kaushal Kishore Jha Resident of Village- Kundwa,
Chainpur, Ward No. 09, P.S.- Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad, Adv.

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-02-2025 Heard Mr. Pramod Kumar Prasad, learned counsel
for the petitioner and Mrs. Shaheen Begum, learned APP.

2. The petitioner is in custody in connection with
Motihari Excise P.S. Case No. 1390 of 2024 for the offence
punishable under sections 30(a) of Bihar Prohibition & Excise
lodged on 23.08.2024 by the informant, Mukesh Kumar.

3. As per the prosecution story, upon information, the
vehicle was intercepted and there is recovery of 225 litre Nepali
liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he
does not own the car, was present in Wagon-R. Further, he do
not have criminal antecedent and one Deepak Kumar has been
extended bail in Cr. Misc. No. 69949 of 2024.

5. Learned APP opposes the prayer for bail submitting



that he was also present in the car when the interception/recovery was made.

6. Considering the fact that the petitioner does not own the vehicle, do not have criminal antecedent, has remained in custody since 24.0.2024 (para-4 of the petition) and one of the co-accused has been granted bail as stated above, this Court is inclined to extend him the privilege of bail with conditions.

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 Executive Special Excise Court No. 2, East Champaran, Motihari in connection with Motihari Excise P.S. Case No. 1390 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 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 his bail bonds.

(Rajiv Roy, J)

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