

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85186 of 2024

Arising Out of PS. Case No.-431 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Vishal Kumar Singh S/O Dwaper Singh R/O vill - Karisath, P.S -
Udwanthnagar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Udwanthnagar P.S. Case No. 431 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 28.09.2024 by the informant, Rupesh Kumar.

3. As per the prosecution story, the Police upon secret information, reached near the Lord Shankar's Temple, intercepted the two motorcycles from which 120 liters of country-made wine was recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that the motorcycles do not belong to him, nothing was recovered from his conscious possession and the petitioner has suffered by being in custody since 29.09.2024 (paragraph-4 of the petition) having no criminal antecedent. His last submission is that a



similarly situated accused person has been granted bail by this Court in Cr. Misc. No. 83792 of 2024.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forwarded by the parties as also that nothing has been recovered from his conscious possession, remained in custody since 29.09.2024, do not have any criminal antecedent and a similarly situated co-accused, as stated above, has been granted bail, 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 Special Judge Excise-II, Bhojpur, in connection with Udwanthnagar P.S. Case No. 431 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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