

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89532 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- GOPALPUR District- Gopalganj

Vivek Kumar Son of Vinod Rajbhar @ Binod Rajbhar Resident of Village
Chailawa , Bhorpatiya, PS Gopalpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishor Patel, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-03-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 236 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.09.2024 by the informant, Dinesh Singh.

3. As per the prosecution story, the informant alleged that during patrolling, three motorcycles were intercepted and altogether there is recovery/seizure of 72 litres of country made liquor in three bags which led to the FIR.

4. Learned counsel for the petitioner submits that neither he is owner nor the driver of the motorcycle, only because of criminal antecedent, he has been implicated and is in custody since 22.09.2024 (paragraph-4 of the petition). Further, other similarly situated co-accused persons, namely, Pankaj Sah



and Vikash Kumar Yadav have been granted bail in Cr. Misc. Nos. 84137 and 82141 of 2024 respectively. Let the same be kept on record.

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

6. Taking into account the aforesaid fact as also his period of custody and further he is a young boy of 21 years, an undertaking has been given that he shall be diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Additional Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 month 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 his bail bonds.

(Rajiv Roy, J)

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