

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26705 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

Niraj Kumar Son of Suresh Sharma Resident of Village - Mahuai Balaha
(Golakpur), P.s.- Koilwar, Distt.- Bhojpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with Buxar
Rail P.S. Case No. 23 of 2022 under sections 30(a) of Bihar
Prohibition and Excise Amendment Act.

The prosecution case, in brief, is that informant A.S.I.
gave written information before the S.H.O., Buxar Rail P.S.
alleging that on the alleged date of occurrence i.e. 3.2.2022, the
informant along with his associate were on duties at platform for
maintaining law and order and recovery of illicit liquor. In the
meantime, a passenger train arrived and thereafter the informant
began to search and during course thereof a passenger carrying



Pithu bag in his hand was found standing at gate no.2. When the informant reached there, the passenger panicked out. Upon search of his bag, total 12.320 liters of foreign liquor was recovered/seized. He was apprehended and he disclosed his name as Niraj Kumar, the petitioner herein and accordingly, seizure list was prepared.

Learned counsel for the petitioner submits that he was merely a traveller from Buxar to Koilwar being a rail passenger and as he alighted on the railway station, the police caught hold of him and as he failed to satisfy their demand, they implicated him in this case of meager seizure of 12.320 liters of foreign liquor despite that he has no criminal antecedent and he is in custody since 4.2.2022 (as stated in para-11 of the bail application).

Considering the nature of recovery, the fact that he has no criminal antecedent, he is in custody since 4.2.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

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 Exclusive Special Excise Court No.1, Bhojpur, Ara, in connection with Buxar Rail



P.S. Case No. 23 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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