

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25956 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- SIRDALA District- Nawada

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KARA @ VIDAYASAGAR S/o Sanjay Prasad Resident of Village- Jhagari
Bigha, P.S.- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Sirdala P.S. Case No. 330 of 2021 under Section 30(a) of the

Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that the informant

along with police party were on patrolling duty saw that two

miscreants sitting in the motorcycle was fleeing away after

seeing the police party, leaving the jute bag on the said

motorcycle. Upon search, 25.5 liter of mahua was recovered

from the motorcycle. Accordingly, the FIR was lodged and the



petitioner has been taken into custody.

Learned counsel for the petitioner submits that the police alleges to have recovered/seized 25.50 liter countrymade mahua from the jute bag which was on motorcycle which the accused persons left and succeeded to escape. He further submits that he is not the owner of the said motorcycle rather the owner of the motorcycle is one Ajay Yadav @ Ajay nor anything has been recovered/seized from his conscious possession but has been implicated in this case by the local people due to rivalry. He further submits that the petitioner has no criminal antecedent and is in custody since 16.01.2022 (as stated in paragraph-13 of the bail application).

Considering the fact that nothing has been recovered from the conscious possession of the petitioner nor he is the owner of the motorcycle, has clean antecedent, he is in custody since 16.01.2022 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 Judge-I, Nawada in connection with Sirdala P.S. Case No. 330 of 2021, subject to the following conditions-



(i) one of the bailor should be the family member 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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