

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26389 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- SUPPI District- Sitamarhi

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Bikau Patel Son Of Shyam Chandra Ram R/O Village- Harpur Kala, P.S.-
Mejorganj, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, 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 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 Suppi
P.S. Case No. 76 of 2022 under sections 30(a) of Bihar
Prohibition and Excise Act.

The prosecution story, in brief, is that upon
confidential information that co-accused Niraj Singh and Sanjay
Mahto and others were concealing illicit liquor near middle
school, Basant Khurd., the informant with the police team
reached there and apprehended three persons out of four
including the petitioner. Upon search, total 234 liters of Nepali
Saufi Liquor was recovered/seized and accordingly, seizure list



was prepared.

Learned counsel for the petitioner submits that the alleged recovery of 234 liters of Nepali Saufi Wine has been made from an open field and certainly cannot be attributed to the petitioner as the same has not been recovered from his conscious possession. He further submits that he had no role to play in the said act and only because he had criminal antecedent, the police has implicated him in this case as a result whereof, he is in custody since 16.3.2022.

Considering the fact that recovery has been made from an open field and not from the conscious possession of the petitioner and he is in custody since 16.3.2022, 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-1, Sitamarhi, in connection with Suppi P.S. Case No. 76 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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