

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26370 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- BYPASS District- Patna

=====

Arun Kumar Son of Jamun Mistry Resident of village - Chhoti Bajar, P.S.-
Khajekalan, Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Sharma, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, 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
Bypass P.S. Case No. 36 of 2022 under sections 30(a), 37(c)
of Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that while the
informant along with the police team was on patrolling duty, on
confidential information, they raided the place of occurrence
near 'Mandir' and intercepted one Tempo bearing no. BR-
01PM-0645 in which five persons were sitting, were
apprehended, who disclosed their names as Arun Kumar, Raju
Singh, Suraj Kumar, Pappu Paswan and Arvind Singh. Upon



search, 200 liters of country made 'mahua' wine was recovered/seized from the two mini bags kept in the vehicle and the accused persons were arrested and the vehicle in question was also seized by the police.

Learned counsel for the petitioner submits that as per the allegation in the FIR, 200 liters of 'Mahua' has been recovered from the Tempo and to exaggerate the matter, the police has also alleged that the accused persons including the petitioner herein were in an inebriated condition. He further submits that due to the said allegation, despite the fact that he has no criminal antecedent, he is in custody since 26.1. 2022 (as stated in para-8 of the bail application).

Taking into account the fact that charge-sheet stands submitted, the petitioner has criminal antecedent and he is in custody since 26.1.2022, 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 Special Judge Excise, Patnacity at Patna, in connection with Bypass P.S. Case No. 36 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)

Ravi/-

U		T	
---	--	---	--

