

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17768 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- GURUA District- Gaya

PINTU KUMAR S/O Ramanuj Mehta R/O Village- Jaipur, P.S- Gurua,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-08-2023 Heard the parties.

The petitioner is an accused in connection with Gurua P.S. Case No. 149 of 2022 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.05.2022 by the informant, Surendra Sharma.

As per the prosecution story, the police raided the ‘orchard’ of the petitioner and recovered 1000 litres ‘mahua’ which was destroyed and further from a motorcycle, 40 litres of country made liquor was recovered beside some gallons in the field from which 90 litres country made liquor were recovered/seized followed by the FIR.

The case of the petitioner is that it has been recovered/seized from an ‘orchard’ which is an open place, he has already suffered by being in custody since 19.12.2022 (as



stated in paragraph 14 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

Taking into account the fact that the recovery/seizure is from an open place, the vehicle does not belong to him and he has remained in custody since 19.12.2022, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 02, Gaya in connection with Gurua P.S. Case No. 149 of 2022, 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 *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 till the conclusion of trial to mark



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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

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

