

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28847 of 2023

Arising Out of PS. Case No.-134 Year-2021 Thana- MAHINDWARA District- Sitamarhi

SHIVAM @ SHIVAM KUMAR @ BHUJALI SON OF SATYENDRA
SINGH R/O VILLAGE- KORLAHIYA, P.S.- MAHINDWARA, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Mahindwara P.S. Case No.134 of 2021 instituted under Section 30(a),36 of Bihar Prohibition and Excise Act and under Section 414, 34 of the IPC lodged on 03.09.2021 by the informant Rajesh Kumar.

As per the prosecution story, upon secret information the police raided the hut of Suresh Sahni and recovered/seized 1740.90 liters liquor from the hut/car/motorcycle. This followed the FIR.

Learned counsel for the petitioner submits that allegedly the recovery is from the hut of Suresh Sahni. He had no role to play, his name has come in the disclosure of the persons taken into custody and has already suffered by being in



custody since 06.09.2022 (para-21 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the fact that the alleged recovery is from the hut and the car/motorcycle present near the hut of Suresh Sahni, the name has cropped up by those arrested, nothing has been recovered from his place, is in custody since 06.09.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mahindwara P.S. Case No.134 of 2021 to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi, subject to 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 fortnight for next six months 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 the 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.

(Rajiv Roy, J)

Prakash Narayan

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