

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38674 of 2023**

Arising Out of PS. Case No.-741 Year-2022 Thana- WAJIRGANJ District- Gaya

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SURESH SAO @ RAM SAREKH SAO @ SURESH PRASAD Son of Late  
Durga Sao @ Bandu Sao Resident of village - Bihiyain, P.S. - Wazirganj,  
Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is an accused in connection with  
Wazirganj P.S. Case No. 741 of 2022 registered for the offences  
under sections 30(a) and 30(b) of the Bihar Prohibition and  
Excise Amendment Act lodged on 25.12.2022 by the informant,  
Anirudh Singh.

As per the prosecution story, when informant and  
other police personnel went to the village near the shop of  
petitioner, it was found open but shopkeeper was not there. On  
inquiry, informant came to know that shopkeeper had gone to  
attend nature's call. It is further alleged that when police party  
went to his house nobody was present there either. When search



of the shop was made, 35 liters country-made 'mahua' liquor was/were recovered. It is further alleged that 400 liters gud badam- 'kishmish' solution was recovered from his house which was destroyed on spot. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that the recovery is of 35 litres country made wine from the shop and 200 litres Gud-Badam/ Kishmish solution from his house which were kept in three drums and according to the Police was destroyed and as such the allegation is an imagination of the informant. Further, he has remained in custody since 28.03.2023.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submissions as also that he is in custody since 28.03.2023 (as stated in paragraph 11 of the bail application), 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 Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Gaya in connection with Wazirganj P.S. Case No. 741 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 for next one year 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)**

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