

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40193 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- PARSAUNI District- Sitamarhi

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VAIBHAV KUMAR S/O ABHAY KUMAR SINGH R/O Vill. Mushahari, PS.
Parsauni, Dist. Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Parsauni P.S. Case No. 30 of 2023 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 22.02.2023 by the informant, Girindra Prasad Singh.

The prosecution case, in brief, is that on 21.02.2023, on the basis of secret information that Vaibhav Kumar, the petitioner and co-accused Pratik Ojha had stored illicit wine at village Mushahari, Ward No. 2 and they were preparing to deliver the same by loading it on a motorcycle, during raid by the police, two persons seeing the police tried to escape and one of them succeeded in fleeing away while another was apprehended, who on interrogation disclosed his name as Vaibhav Kumar, the petitioner and also disclosed the name of



the person, who fled away as Pratik Ojha near the gate of straw house of the petitioner on two motorcycles, 240 pieces of Nepali Saufi liquor, 300 ml each of 120 pieces on each of the motorcycle and on search of said straw house, 4 bags containing 120 pieces each and one bag containing 130 pieces, 300 ml each, (total quantity 856 pieces of Nepali Saufi liquor, 300 ml each, in total 256.8 Lts.) were recovered. Accordingly, the F.I.R.

It has been submitted by Mr. Pushpendra Kumar Singh, learned counsel for the petitioner that the motorcycle does not belong to him and further it is the joint house and as such the recovery/seizure of 256 liters 800 ml of countrymade liquor (*Nepali Saufi*) cannot be attributed to him. For the said offence, he has already suffered by being in custody since 22.02.2023 (as stated in paragraph 17 of the petition) and do not have any criminal antecedent.

Learned APP opposes the prayer stating that there has been recovery of 256 liters 800 ml of countrymade liquor (Nepali Saufi) from his house.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the period of custody i.e. 22.02.2023 and do not have any criminal antecedent, this Court is inclined to extend him the privilege of



bail with conditions.

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-II, Sitamarhi, in connection with Parsauni P.S. Case No. 30 of 2023 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/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 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 six months to mark his 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 his bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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