

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38490 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- PHULWARIYA District- Gopalganj

BITTU KUMAR RAI @ BITTU KUMAR son of Lal Babu Rai Village-
Govindchak Ps- Sonapur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023

No one appears for the petitioner.

The petitioner is in custody since 25.4.2023 in connection with Phulwariya P.S. Case No. 134 of 2023 for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 24.4.2023 by the informant Mahesh Mandal.

The prosecution story, in brief, is that on 24.4.2023, the informant with police force were on patrolling duty and checking the vehicle near Durga Mandir at village Mijirvakala Fakadpur and when asked a car to stop, Driver of car tried to run away. He was chased and caught those sitting inside was also taken into custody. On search, total 90 liters foreign wine was recovered from the car. They disclosed that one Abhay Kumar Yadav had asked them to bring the wine from U.P. A seizure list



was prepared and the FIR lodged.

Learned APP opposes the prayer.

Considering the fact that the allegation is of recovery of 90 liters of foreign wine, the petitioner do not have criminal antecedent and is in custody since 25.4.2023, 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 Additional Sessions Judge-IIInd cum Special Judge Excise-1st, Gopalganj, in connection with Phulwariya P.S. Case No. 134 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 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 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 bail application is allowed.

(Rajiv Roy, J)

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