

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53642 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- SAKURABAD District- Jehanabad

MUNNA SAO @ RAVI RAUSHAN KUMAR MUNNA @ RAVI
RAUSHAN KUMAR SON OF LATE JAGDISH SAO RESIDENT OF
VILLAGE- KATAIYA, PS- BASHIST NAGAR, DIST- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Shakurabad P.S. Case No. 225 of 2022 for the offence under sections 30(a), 32 (ii) (iii), 36 and 41 of the Bihar Prohibition and Excise Act Amendment Act, 2018 lodged on 17.10.2022 by the informant, Deepak Kumar.

As per the prosecution story, the Police intercepted a Car and recovered/seized 63.420 liters of liquor, accused persons apprehended who informed that the same was purchased from this petitioner. Accordingly, the FIR.

Learned counsel for the petitioner submits that only on the basis of confession of apprehended person, he was taken into custody (02.06.2023-as stated in para 10 of the petition). It



is his further submission that it is not the case of the prosecution that subsequently, his place was raided and any recovery/seizure made. He concedes that he has criminal antecedent.

Learned APP opposes the prayer for bail stating that the said purchasing was made from this petitioner.

Considering the submissions put forward by the learned counsel for the petitioner, the alleged recovery is from the other accused person, there is no recovery from his conscious possession, the vehicle also does not belong to him, is in custody since 02.06.2023, 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) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise Court No. I, Jehanabad (Bihar), in connection with Shakurabad P.S. Case No. 225 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/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 bail application is allowed.

(Rajiv Roy, J)

kiran/-

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

