

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50129 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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SENTU KUMAR SAH SON OF LALBAHADUR SAH R/O VILLAGE-
MAHAMDIPUR, PS. MOHIUDDIN NAGAR, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Bishweshwar Ram, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 No one appears on behalf of the petitioner although
learned APP for the State is present.

The petitioner is in judicial custody in connection
with Mohiuddin Nagar P.S. Case NO. 146 of 2023 registered
under Sections 272 and 273 of the Indian Penal Code and
Section 30 (a) of the Bihar Prohibition and Excise Act, 2022
lodged on 05.06.2023 by the informant, Gaurav Prasad.

As per the prosecution story, the police raided the
newly constructed building of Sentu Kumar Sah (the petitioner
herein) and recovered/seized three (3) liters country made
liquor. Accordingly, the FIR.

As per the petition, it is a newly constructed building
open to everyone and recovery/seizure has been wrongly



attributed to the petitioner. Further, he is in custody since 05.06.2023 (as stated in paragraph-9 of the petition).

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts that the alleged recovery/seizure of three liters of country made liquor is from under constructed building and he is in custody since 05.06.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court -02, Samastipur in connection with Mohiuddin Nagar P.S. Case NO. 146 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/her 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 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.

(Rajiv Roy, J)

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