

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50792 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- KHIRHAR District- Madhubani

Satyanarayan Das Son Of Ramprit Das Resident Of Village - Baudghar, P.S. -
Khirhar, District - Madhubani

... .. Petitioner/S

Versus

The State of Bihar , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in custody in connection with Khirhar P.S. Case No. 42 of 2023 for the offence under sections 272, 273 and 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 06.06.2023 by the informant, Priya Kumari.

As per the prosecution story, the Police during patrolling, intercepted a vehicle coming from Nepal side and recovered/seized 90 liters of Nepali country made wine. One person was apprehended, the petitioner herein. Accordingly, the F.I.R.

It is the contention of the learned counsel for the petitioner that he was a pillion rider, not the owner of the vehicle and the person driving it, fled away leaving him



stranded and has suffered by being in custody since 07.06.2023 (as stated in paragraph 14 of the petition).

Learned APP opposes the prayer for bail stating that he was intercepted/apprehended with wine.

Considering the aforesaid facts as also that the vehicle does not belong to him, he was a pillion rider, is in custody since 07.06.2023, 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 A.D.J.II cum Special Judge Excise Act, District- Madhubani, in connection with Khirhar P.S. Case No. 42 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 month for one year 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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