

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51570 of 2023**

Arising Out of PS. Case No.-173 Year-2023 Thana- MOTIPUR District- Muzaffarpur

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VINOD KUMAR Son of Sri Rajmangal Prasad Kushwaha @ Rajmangal
Prasad Resident of village - Mahwal, P.S. - Motipur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Motipur P.S. Case No.173 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 08.06.2023 by the informant Jai Prakash Gupta.

As per the prosecution story, the hut of the petitioner was searched and 236.91 liters of foreign liquor was recovered. Accordingly, the FIR.

According to the learned counsel for the petitioner the recovery is from a hut which is/was a open place frequented by everyone and he has already suffered by being in custody since 09.06.2023 only because he has criminal antecedent.



Learned APP opposes the prayer for bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also his period of custody, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Motipur P.S. Case No.173 of 2023 to the satisfaction of learned Special Judge (Excise) Court No.II, Muzaffarpur, subject to 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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