

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51759 of 2023**

Arising Out of PS. Case No.-162 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Shambhu Choupal Son Of Lalu Das @ Lalu Chawpal Resident Of Village -
Shishodih, P.S. - Sadar (Mabbi Op), District - Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in custody in connection with Sadar (Mabbi O.P.) P.S. Case No. 162 of 2023 for the offence under sections 30(a) of Bihar Prohibition of Excise (Amended) Act, 2018 lodged on 04.03.2023 by the informant, Pradeep Kumar Singh.

As per the prosecution story, the hut of Shambhu Choupal was raided and 78.975 liters of Nepali liquor was recovered from a tin box. The person was apprehended who disclosed that it belongs to Bisho Mahto and Ravi Mahto who used to provide Rs. 500/- per day for keeping the same. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that they are poor people, having no knowledge what has been kept in the box and got implicated due to Bisho Mahto and Ravi



Mahto offering the amount to keep the box.

It is his further submission that the aforesaid two persons, Bisho Mahto and Ravi Mahto have since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 34360 of 2023.

The last submission is that he do not have criminal antecedent and is in custody since 05.03.2023 (as stated in paragraph 1 of the petition).

Mr. Bharat Bhushan, learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, is in custody since 05.03.2023 and two of the accused persons have since been released on bail, as stated above, 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 Exclusive Special Judge-1 (Excise Act) Darbhanga, in connection with Sadar (Mabbi O.P.) P.S. Case No. 162 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 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	
---	--	---	--

