

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51588 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- NARALI KALA KHURD District-
Aurangabad

=====

OMPRAKASH BHUIYAN SON OF LATE SHIV BHUIYAN RESIDENT
OF VILLAGE- MEH, BHUIYAN TOLI, PS- NARARIKALA KHURD,
DIST- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Nararikala Khurd P.S. Case No.55 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 25.06.2023 by the informant Hulash Baitha.

As per the prosecution story, the police upon information intercepted Om Prakash Bhuiyan and on his confession 350 liters 'Mahua' was recovered from the foothill of the canal. Accordingly, the FIR.

Learned counsel for the petitioner submits that admittedly the recovery/seizure is from foothill of the canal and only he has been dragged in and FIR lodged stating that on his



confession the said recovery. The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner, he do not have criminal antecedent and is custody since 26.06.2023, 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 Nararikala Khurd P.S. Case No.55 of 2023 to the satisfaction of learned Special Judge, Excise, II, Aurangabad, 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

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

