

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52300 of 2023

Arising Out of PS. Case No.-549 Year-2022 Thana- MADANPUR District- Aurangabad

Laxman Bhuyian Son Of Rampravesh Bhuyian Resident Of Village -
Soinagar, Police Stationi - Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Madanpur P.S. Case No. 549 of 2022 for the offence punishable under Sections 30(a)/ 30(d) of the Bihar Prohibition and Excise Act lodged on 3.11.2022 by the informant, Kanhai Singh.

As per the prosecution story, the police upon information, the drainage in front of the house of the accused persons was raided and 2000 liters of Mahua Jawa recovered/seized as also 10 lites of Mahua in plastic bottle.

The 2000 liters of Mahua Jawa was destroyed by the police and FIR lodged.

The case of the petitioner is that the alleged recovery is from the drainage which is an open place and only because it



was in front of the petitioner, he got implicated. Nothing has been recovered from his conscious possession and is in custody since 23.6.2023 (para-12 of the petition) despite the fact that he do not have criminal antecedent.

Learned APP opposes the prayer.

Taking into account the fact that the recover/seizure is from an open place, he is in custody since 23.6.2023 and do not have criminal antecedent, 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) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Aurangabad, Bihar, in connection with Madanpur P.S. Case No. 549 of 2022 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 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 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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