

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52315 of 2023

Arising Out of PS. Case No.-361 Year-2023 Thana- TAJPUR District- Samastipur

MADHUWAN KUMAR @ MADHUVAN KUMAR son of Vimal Ray @
Bimal Ray R/o- Village- Chandauli Ps- Tajpur wainy OP Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in custody in connection with Tajpur (Wainy O.P.) P.S. Case No. 361 of 2023 for the offence under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 23.06.2023 by the informant, Vijay Shankar.

As per the prosecution story, the Police upon information, chased/intercepted/apprehended a four wheeler coming from Chandauli and 77.767 liters of foreign liquor recovered/seized from the Scorpio and later, 8.64 of prohibited liquor from the house of Pappu Kumar were recovered. Accordingly, the FIR.

Learned counsel for the petitioner submits that the recovery is from the Scorpio and the house of co-accused Pappu Kumar and on suspicion/confession of Pappu Kumar, his name



cropped up and he is in custody since 24.06.2023 (as stated in paragraph 11 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the aforesaid facts as also that the recovery is from the Scorpio and the house of Pappu Kumar, his name has come in the confessional statement of Pappu Kumar and is in custody since 24.06.2023, 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 Special Judge, Excise Court-2, Samastipur, in connection with Tajpur (Wainy O.P.) P.S. Case No. 361 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)

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