

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53092 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- KHUTAUNA District- Madhubani

GAURI SHANKAR NAYAK SON OF LATE SATTO NAYAK @ SATYA
NARAYAN NAYAK RESIDENT OF VILLAGE- KHUTAUNA, WARD NO.
6, P.S.- KHUTAUNA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with G.R. No. 477 of 2023 arising out of Khutauna P.S. Case No. 77 of 2023 for the offence punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 27.6.2023 by the informant, Raj Kishore Prasad.

As per the prosecution story, the police raided the house of the petitioner and recovered/seized nine liters of Nepali liquor. This followed the FIR.

Learned counsel for the petitioner submits that it has been recovered from a joint house, is in custody since 27.6.2023 (para-13 of the petition) though he concedes that he has



criminal antecedent of the same nature.

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Taking into account the facts, the recovery is from the joint of house, is in custody since 27.6.2023, 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) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, in connection with G.R. No. 477 of 2023 arising out of Khutauna P.S. Case No. 77 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 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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