

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53522 of 2023

Arising Out of PS. Case No.-348 Year-2023 Thana- SAHPUR District- Patna

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Kashi Saw @ Kashi Sahu Son Of Sarga Sao @ Durga Sahu Residnet Of
Village - Daudpur, P.S. - Shahpur, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Shahpur P.S. Case No.348 of 2023 instituted under Section 30(a) and 41 of Bihar Prohibition and Excise Act lodged on 20.05.2023 by the informant Binod Thakur.

As per the prosecution story, the police reached near a brick-kiln, the accused persons tried to escape, apprehended and allegation is of recovery of 40 liters of countrymade wine. Accordingly, the FIR.

It is the case of the petitioner that recovery is from an open place for which he has been apprehended, is in custody since 20.05.2023 (para-11 of the petition).

Learned APP opposes the prayer for bail.



Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, 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 Shahpur P.S. Case No.348 of 2023 to the satisfaction of learned Special Excise Judge, Danapur, 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

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