

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54048 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- MANIGACHI District- Darbhanga

RAM AVTAR DAS son of Gopi Das Village- Putai Ps- Manigachhi Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Manigachhi P.S. Case No. 111 of 2023 for the offence under sections 30 (a) of the Bihar Prohibition and Excise Act, 2018 lodged on 27.05.2023 by the informant, Chitranjan Ojha.

As per the prosecution story, the Police upon information that a Scorpio is parked near the house of Santosh Mandal and a Magic van in front of the house of Ram Avtar Das having illicit liquor, reached the place and found people trying to escape. One of them was apprehended, he was the petitioner. Upon search of the Magic van, 90 liters of Nepali liquor recovered/seized. Further, from the Scorpio parked near the house of Santosh Mandal, 60 liters of Nepali liquor recovered/seized. A lady, Ramda Devi, wife of Santosh Mandal



was apprehended. Accordingly, the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his house or his conscious possession, the recovery is from Magic van which does not belong to him and further, any vehicle parked outside his house, he cannot be implicated for the same and has remained in custody since 28.05.2023 (as stated in paragraph 15 of the petition).

Learned APP opposes the prayer for bail.

Considering the fact that the recovery is from Magic van which does not belong to the petitioner, nothing has been recovered from his possession, is in custody since 28.05.2023, 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 Exclusive Special Judge-I (Excise Act), Darbhanga, in connection with Manigachhi P.S. Case No. 111 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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