

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58952 of 2023

Arising Out of PS. Case No.-155 Year-2021 Thana- RAGHOPUR District- Vaishali

Pintu Kumar S/O Bideshi Ray, R/O Litiyahi, P.S.- Raghapur, Distt.- Vaishali.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Raghapur (Rustampur) P. S. Case No. 155 of 2021 registered on 13.07.2021 for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. According to the prosecution, total recovery of 20 litre country made wine, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that petitioner is neither apprehended nor any recovery has been made from his possession. Counsel further submits that from the seizure list, it transpires that the said recovery of wine has been made from the banana orchard of Suraj Roy. Counsel further

submits that the name of the petitioner has figured in this case by virtue of the information disclosed by the local chowkidar. Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail. He further submits that due to enmity, the chowkidar has disclosed the name of the petitioner in this case.

5. Learned APP for the State opposes the prayer for bail and submits that though the quantity is less but there is criminal antecedent of the petitioner of same nature.

6. In response, counsel for the petitioner submits that in future petitioner shall not commit any such mistake and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. In the aforesaid facts and circumstances, let the above-named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S. Case No. 155 of 2021, subject to the conditions as laid down

under Section 438(2) of the Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J.)

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