

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57094 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- GOPALPUR District- Bhagalpur

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RAJA SINGH @ RAJO SINGH S/O LATE KASTURI SINGH R/O
VILLAGE- KOSKIPUR, P.S- TIKAPATTI, DISTT.- PURNIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Gopalpur (Rangra O.P.) P.S. Case NO. 298 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act lodged on 22.06.2023 by the informant, Sandip Kumar Jha.

As per the prosecution story, the police upon information about preparation of illicit liquor went to the place of occurrence. Though the accused escaped, the fisherman gave the name which included this petitioner. Upon search of boat, 12,000/- liters of formatted country made liquor and 60 liters of country made liquor from another three boats, recovered/seized. This followed by the FIR.



It is the case of the petitioner that neither anything has been recovered from his conscious possession nor they have been apprehended from the spot. The alleged recovery is from the boat which does not belong to him and he is in custody since 29.06.2023 (as stated in paragraph-10 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the fact that the recovery is from the boat, which does not belong to him and nothing has been recovered from his conscious possession, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Gopalpur (Rangra O.P.) P.S. Case No. 298 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/her



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 his 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)

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