

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68468 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- KOILWAR District- Bhojpur

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Jaglal Musahar @ Jaglal Ram Son Of Late Munshi Musahar Resident Of
Village - Sakadi, Musahar Toli, P.S. - Koilwar, Distt. - Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Upon repeated call, no one appears on behalf of the

petitioner however, learned A.P.P. for State present.

2. The petitioner seeks regular bail in connection with
Koliwar P.S. Case No. 154 of 2023 lodged under Sections 337,
332, 353 & 34 of the I.P.C. read with Section 30(a) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, there are 3 named
accused persons in the F.I.R. from whose possession, total
recovery of 80 liter *desi mahua* wine has alleged to be made,
which is subject matter of the present case.

4. From the record, it transpires that petitioner was
apprehended by the police, but his sons and 20-25 villagers have
attacked on the police party and returned with the petitioner,
thereafter, the present case has been filed.

5. It also transpires to this Court that there is one criminal case pending against the petitioner and he is in custody since 21.07.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that petitioner was not only found with the illegal wine but also fled away from the custody of the police.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Excise Court Special Judge, Bhojpur, Ara, in connection with Koilwar P.S. Case No. 154 of 2023, subject to the following conditions as laid down under Section 437(3) of 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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