

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57272 of 2023

Arising Out of PS. Case No.-989 Year-2023 Thana- PHULWARISHARIF District- Patna

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DEVBRAT KUMAR S/o Vinod Rai @ Ram Vinod Rai R/o Nakta Dier
(Diyara), P.S.-Digha, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Phulwarisharif (Janipur) P.S. Case No. 989 of 2023 registered under Section 30 (A) of the Bihar Prohibition and Excise Act, 2018 lodged on 11.07.2023 by the informant, Shambhu Narayan Sha.

As per the prosecution story, police intercepted an Omni Van and recovered/seized 345 liters of country-made ‘mahua’, the person apprehended was the petitioner. Accordingly, the FIR.

It is the case of the petitioner that he is the Driver of the vehicle, little knowledge that amongst the loaded items, the band ‘mahua’ is also present for which he has already suffered



by being in custody since 11.07.2023 (as stated in paragraph-12 of the petition, though he do not have criminal antecedent and he is a poor person.

Learned APP opposes the prayer for bail stating that from the vehicle the '*mahua*' was recovered and he was arrested.

Considering the submissions put forward by the parties, admittedly, he do not have criminal antecedent, is a driver, is in custody since 11.07.2023 and will be facing the trial, 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 Special Judge Excise, Patna in connection with Phulwarisharif (Janipur) P.S. Case NO. 989 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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