

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57861 of 2023

Arising Out of PS. Case No.-961 Year-2022 Thana- MANER District- Patna

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AWADHESH RAI S/O- JAMUNA RAI R/O- VILLAGE- MANER,
TOLAPUR P.S.- MANER, DIST.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Special Excise Case No. 2414 of 2022 arising out of Maner P.S. Case No. 961 of 2022 registered under Sections 30 (a) of the Bihar Prohibition of Excise Act lodged on 29.12.2022 by the informant, Shashi Ranjan.

As per the prosecution story, the allegation is that the police upon information raided the ‘hut’ of the petitioner and recovered/seized 74.906 liters country-made liquor. Accordingly, the FIR.

It is the case of the petitioner that recovery is from a ‘hut’ which is an open and abandoned place frequented by everyone and only because it is behind his house, he has been



made accused and has remanded in custody since 03.07.2023 (as stated in paragraph-4 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner as also that the recovery is from the 'hut' which is behind the house of the petitioner, has no criminal antecedent and is in jail since 03.09.2023, 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 Excise Judge, Danapur in connection with Special Excise Case No. 2414 of 2022 arising out of Maner P.S. Case NO. 961 of 2022 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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