

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58810 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

NISHANT RAI @ BHOLU S/O AJAY RAI R/O VILLAGE- LACHCHHI
KHAREA, PS. GOPALGANJ, DIST. GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Kuchaikote P.S. Case No. 331 of 2023 for the offence under section 30(a) of Bihar Prohibition and Excise Amendment Act 2018 lodged on 29.06.2023 by the informant, Mahavir Prasad.

3. As per the prosecution story, a motorcycle was intercepted by the Police and recovered/seized 47.200 liters country made liquor, two persons were apprehended and they confessed that the said liquor belongs to the petitioner herein. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has neither been arrested from the spot nor anything has been recovered from his possession, the two arrested persons gave his name which led to his arrest on 04.07.2023.



5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Considering the fact that nothing has been recovered from his conscious possession rather from Vivek Kumar and Deepranjan Tiwari, his name has come in the confessional statement and is in custody since 04.07.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Exclusive Special Excise Court No. II, Gopalganj, in connection with Kuchaikote P.S. Case No. 331 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his 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 the 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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