

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64502 of 2023

Arising Out of PS. Case No.-1017 Year-2023 Thana- Excise P.S. District- Bhagalpur

Monu Kumar Son of Suresh Sah @ Suresh Prasad Sah R/o vill - Balti
Karkhana (Kajichak), P.S. - Mojahidpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise (Sadar) P.S. Case No. 1017 of 2023 lodged under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 47.625 liters of
Indian made foreign liquor was recovered from the dicky of the
Suzuki car, which was subject to theft.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He
submits that he was apprehended not from the car; rather at a
nearby place. Counsel submits that petitioner is in custody



since 05.08.2023. Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that the car from which the recovery has been made is subject to theft but admits that the present case is related to excise matter only.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhagalpur, in connection with Excise (Sadar) P.S. Case No.1017/2023 (G.R. No.3870 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 *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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