

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71034 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- SULTANGANJ District- Bhagalpur

LUKHIYA DEVI WIFE OF LATE SHIVNANDAN BIND RESIDENT OF
VILLAGE SHIVNANDANPUR, P.S.- SULTANGANJ, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 299 of 2023 registered on 07.06.2023
lodged under Sections 30(a)(b)(c), 37 of the Bihar Prohibition
and Excise Act (Amendment), 2018.

3. As per the prosecution case, F.I.R. has been lodged
against three named accused persons including the petitioner.
Recovery of 10 litre of illicit liquor is the subject matter of this
case.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that it is true
that recovery is alleged to be made from the house of the



petitioner but according to him the said house is joint house. Counsel also submits that from seizure list it transpires that the seizure has been made in the gross violation of Section 100 of the Cr.P.C.

5. Counsel further submits that the petitioner is in custody since 23.06.2023 having three criminal case pending against him, in which he is on bail. He further submits that the charge-sheet has already been submitted in this case.

6. Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail, antecedents of the petitioner shall be taken into consideration.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and 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- II Bhagalpur in connection with Sultanganj P.S. Case No. 299 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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