

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69544 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- NAUTAN District- West Champaran

Budhan Ram S/O Late Jugeshwar Ram R/O Village- Baira Parsauni, P.S-
Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nautan P.S. Case No.310 of 2023, lodged on 22.07.2023, under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total recovery of
43.200 liters of foreign liquor has been the subject matter of the
present case.

4. Learned counsel for the petitioner submits that
from the seizure list it transpires that the said recovery alleged
to have been made near the house of the petitioner. Counsel
submits that antecedent of the petitioner is clean. He is in
custody since 23.07.2023. Under village politics, the said
material has been planted near his house. Counsel submits that



petitioner is ready to fulfill all conditions whatsoever shall be imposed.

4. Learned counsel for the State opposes the prayer for bail and submits that recovery has been made from the conscious possession of the petitioner. Neither charge sheet has been submitted nor charge has been framed against the petitioner.

5. 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 Judge, Excise-I, Bettiah, West Champaran, in connection with Nautan P.S. Case No.310 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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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