

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69087 of 2023

Arising Out of PS. Case No.-809 Year-2023 Thana- AGAMKUAN District- Patna

SURESH RAI Son of Late Jaleshwar Rai R/o vill - Bhalua Nakata, P.S. -
Janta Bazar, Dist. - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh, Advocate
		Mr. Vishesh Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard Mr. Basant Kumar Singh, learned counsel for

the petitioner duly assisted by Mr. Vishesh Kumar Singh,

learned counsel and Ms. Gulnar Begum, learned APP.

2. The petitioner is in custody in connection with
Agamkuan P.S. Case No. 809 of 2023 for the offence under
sections 30 (a), 30(c), 36, 33, 41(i) of Bihar Prohibition and
Excise Act, 2018 lodged on 18.08.2023 by the informant,
Satyendra Kumar.

3. As per the prosecution story, the police upon
information, reached the spot and raided and the allegation is
that altogether 1385 liters of spirit was recovered/seized.
Accordingly the FIR.

4. Learned counsel for the petitioner submits that only



because of criminal antecedent, has been implicated in one after another cases and in this case also, the police chose to implicate him, nothing has been recovered from his conscious possession and with the help of paragraph 9, he submits that he was an outsider and parking his motorcycle was waiting for his friend when the raid on the 'godown' led to his implication.

5. The further submission is that he will be diligently appearing in the trial and in case of further implication in any case relating to same nature, the police will be free to take recourse to cancellation of his bail bond.

6. The last submission is that without accepting the allegation, the petitioner intends to deposit Rs. 75,000/- with the Patna High Court Legal Services Committee.

7. Learned APP opposes the prayer for bail stating that he has criminal antecedents of the same nature.

8. Taking into account the submissions put forward by the parties as also that there is no recovery from his conscious possession rather from a 'godown' which does not belong to him, has remained in custody since 19.08.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 75,000/- as undertaken by the learned counsel for the petitioner to be deposited with the Patna High Court Legal



Services Committee.

9. 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 Special Judge Excise, Patna City, in connection with Agamkuan P.S. Case No. 809 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 month for one year 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.



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

(Rajiv Roy, J)

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