

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73100 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- PARSA District- Saran

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RAUSHAN KUMAR SINGH @ BENGAL SINGH S/O ANIL KUMAR
SINGH R/O VILLAGE- PURE CHAPRA, P.S- PARSA, DISTT.- SARAN AT
CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection Parsa P.S. Case No. 144 of 2023 instituted under Section 30(a) and 37 of Bihar Prohibition and Excise Act, 2018, lodged on 21.05.2023 by the informant, Sunil Kumar.

3. As per the prosecution story, police apprehended Sujit Kumar and Vishal Kumar and upon search, one litre Mahua wine were recovered from their possession. Further allegation is that upon their disclosure, the police reached near a ditch where this petitioner was present and he was apprehended and was put under breath analyzer test. The same was found to be positive. Further, the ditch was searched and two plastic white colour bags having 10 plastic packets each containing 20



litres totaling 200 litres of Mahua wine were recovered. Thus, the total seizure was 202 litres of Mahua wine. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and only because he was tested positive, was sent judicial custody since 22.05.2023 (para 13 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the recovery is from the ditch as also Sujeet Kumar and Vishal Kumar, he tested positive for which he has already remained in custody since 22.05.2023, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Excise Judge, Saran at Chapra, in connection Parsa P.S. Case No. 144 of 2023, subject to 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 bond by the Trial court itself,

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

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