

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73297 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- THAWE District- Gopalganj

SANTOSH SAH S/O LATE NAGESHWAR SAH R/O VILLAGE-
NURAHATA, P.S- BARHARIA, DISTT.- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with Thawe P.S. Case No. 213 of 2023, registered for the offence punishable under section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution story, the police, upon secret information, raided the place, and it is alleged that 35 litres *Chulai* country made liquor from 40 litres of the gallon were recovered/seized and he was arrested and the FIR lodged.

4. Learned counsel for the petitioner submits that the bare perusal of the FIR shows that he has been made accused of the alleged recovery for which he has already suffered by being



in the judicial custody since 22.07.2023 (as stated in paragraph-13 of the bail application), despite the fact that he does not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that he is custody since 22.07.2023 and does not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Spl. Judge Excise-I, Gopalganj in connection with Thawe P.S. Case No. 213 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/her 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 his 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.

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

(Rajiv Roy, J)

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