

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73318 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- SOHSARAI District- Nalanda

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BAGERI GOP SON OF LATE MIRA GOP RESIDENT OF VILLAGE-
HABIBPURA, PS- SOHSARAI, DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Sohsarai P.S. Case No. 247 of 2023 registered for the offences under sections 30(a) and 37 of the Excise Act lodged on 21.08.2023 by the informant, Nand Kumar Singh.

3. As per the prosecution story, the police reached the house of the present petitioner and recovered/seized a plastic bag containing 80 litres of country-made wine. Accordingly, the FIR and arrest.

4. Learned Counsel for the petitioner submits that recovery is from the backyard of the house which is an open place. The police has implicated him and he has already suffered by being in custody since 27.08.2023 (as stated in paragraph 4 of the bail application) merely because he has criminal



antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Considering the facts on record, the submissions put forward by the parties as also that he is in custody since 27.08.2023, FIR lodged and will be ultimately facing the trial, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge, Excise II, Nalanda, Bihar Sharif in connection with Sohsarai P.S. Case No. 247 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 *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 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 his bail bonds.

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

(Rajiv Roy, J)

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