

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74406 of 2022

Arising Out of PS. Case No.-528 Year-2022 Thana- PIRBAHOR District- Patna

VISHAL KUMAR Son of Mohan Manjhi R/V- Nadwa, P.S- Dhanruaa, Dist- Patna A/p Bhawar Pokhar, Jhoparpatti, P.S- Pirbahore, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranaya Shanker Sinha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 25.08.2022 in connection with Special Case No. 5104 of 2022 arising out of Pirbahore P.S. Case No. 528 of 2022 under Section 30 of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 24.08.2022 by the informant Pawan Kumar.

The prosecution case, in brief, is that the informant Pawan Kumar S.I. of Pirbahore Police Station alleged that on 24.08.2022 at 12:10 PM, informant arrived at B.N. College More, Ashok Rajpath Road, Patna upon receiving secret information that one Vishal Kumar selling wine in hut. Thereafter informant arrived near Bhawar Pokhar toilet and surrounded the hut of Vishal Kumar. The petitioner tried to escape from the hut who was caught with help of Police force.



The hut was searched in the presence of two witnesses 1. Raju Kumar 2. Pappu and 7 (Seven) Bottles of Country made wine Kept in white bag, 2 litres x 7 Bottles= total 14 litre Country made wine were recovered from the hut. Thereafter seizure list was prepared by informant on which both witnesses signed and accused Vishal Kumar also signed on the seizure list.

Learned counsel for the petitioner submits that he is being implicated by the police for oblique reason.

There is recovery of 14 litres of country-made liquor from the petitioner and concedes that he has criminal antecedent of the same nature.

It is his further submission that if granted bail, the petitioner will abide by all terms and conditions including the fact that if any other offence of the same nature is attributed to him, the present bail, if granted, be also cancelled.

Learned APP opposes the prayer stating that he is in the habit of committing offence of the same nature.

Considering the period of custody (24.08.2022) as also recovery is of 14 litres of liquor, this court is inclined to extend him the privilege of bail with condition in view of the fact that he has criminal antecedent of the same nature.

Let the petitioner be released on bail, on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Patna , in connection with Special Case No. 5104 of 2022 arising out of Pirbahore P.S. Case No. 528 of 2022 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 month till framing of the charges 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.



With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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Alok/-

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