

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4431 of 2024

Arising Out of PS. Case No.-526 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Raja Singh Son of Parsuram Singh Resident of village - Paspura, Ward No.-
17, P.S. - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Muffasil P.S. Case No. 526 of 2023 for the offence punishable under section 30(a) of the Bihar Excise and Prohibition Act lodged on 09.09.2023 by the informant, Manoj Prasad.

3. As per the prosecution story, upon secret information, the police raided the place of Raja Singh. Though accused persons managed to escape, 117 liters of foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure has been shown from the agricultural land which is an open place and cannot be attributed to him but he has been made to suffer by being in custody since 10.11.2023



(as stated in paragraph 12 of the petition) only because he has criminal antecedent.

5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 10,000/- with the Bihar State Legal Services Authority.

6. Learned APP opposes the prayer for bail.

7. Taking into account the submissions put forward by the parties as also the fact that recovery is from an open place, he is in custody since 10.11.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

8. 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 Exclusive Special Judge Excise 1st, Begusarai, in connection with Muffasil P.S. Case No. 526 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 fortnight for six months 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.

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

(Rajiv Roy, J)

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