

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4407 of 2024

Arising Out of PS. Case No.-513 Year-2022 Thana- KATIHAR NAGAR District- Katihar

RAJU KUMAR @ RAJU YADAV SON OF CHULAI YADAV Resident of
Village - Jagarnathpuri, Barmasaia, P.S. - Sahayak (Nagar), District - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024

Heard the parties.

2. The petitioner is in custody in connection with Katihar Town (Sahayak) P.S. Case No. 513 of 2022 for the offence punishable under section 30(a) of Bihar Prohibition and Excise Act, 2018 lodged on 26.08.2022 by the informant, Arvind Kumar Singh.

3. As per the prosecution story, the police upon information, raided the place and from the cow shed, 50.1 liters of foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the same has been recovered from the cow shed which is an open place and he has been implicated only because of his 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. Considering the fact that the recovery is from the cow shed which is an open place, is in custody since 25.11.2023, 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 A.D.J. Exclusive Special Judge Excise Court no. 2, Katihar, in connection with Katihar Town (Sahayak) P.S. Case No. 513 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/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 month for one year 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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