

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59772 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- Excise P.S. District- Samastipur

Arvind Kumar Roy, Son of Ram Udgar Gope, R/V- Village- Kewata, Road
No. 2, P.S.- Dalsingsarai, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Dilip Kumar Roy, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner seeks grant of regular bail who is in
custody in connection with Patory Excise P.S. Case No. 83 of
2024 registered for the offence punishable under Sections 30(a)
of Bihar Prohibition and Excise (Amendment) Act 2018.

3. Based upon the written report the allegation against
the petitioner is of selling illicit wine. On the aforesaid
information the police conducted raid in the house of the
petitioner and on search total 51 litres indian made foreign
liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner contended that the alleged recovery has been made



from the rented house of the petitioner and he has neither any concern with the rented house, nor with the illicit wine. Drawing the attention of this Court to the seizure list, learned Advocate for the petitioner further contended that had the recovery been made from the house of the petitioner, there must have been a family member as a witness to seizure list, but surprisingly the witnesses are the police personnel. The petitioner bears fair antecedent and now he is in custody since 07.07.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation leveled in the FIR that the alleged recovery has been made from the rented house of the petitioner coupled with the fact that the petitioner is a man of fair antecedent and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-2, Samastipur in connection with Patory Excise P.S. Case No. 83 of 2024, subject



to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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