

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66837 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

Raushan Kumar Son of Sri Ashok Ray @ Ashok Mahto Resident of village
Chakbalthi, P.S.- Bochahan, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State`	:	Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bochahan P.S. Case No. 183 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 09.08.2024 by the informant, Pritesh Giri.

3. As per the prosecution story, the informant alleged that during patrolling, received a confidential information about selling of foreign liquor by accused persons. As he went to the place, the accused persons tried to escape but apprehended. Nothing was recovered upon search from the petitioner but altogether 144.12 liters of foreign liquor recovered/seized. Accordingly, the F.I.R.

4. It is the case of the petitioner that the recovery/seizure is from the bamboo thicket of Udesh Jha, nothing from his conscious possession and only because of



criminal antecedent, he has been implicated and is in custody since 12.08.2024 (paragraph no.9 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the petitioner on its own would like to contribute Rs.10,000/- for the purchase of benches to be installed in the Civil Court, Muzaffarpur premises through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent.

6. Considering the aforesaid submissions as also the fact that nothing has been recovered from his conscious possession, he is in custody since 12.08.2024, 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 to be paid by Demand Draft of local State Bank of India to the Trial Court.

7. 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 Exclusive Special Judge Excise-III, Muzaffarpur in connection with Bochahan P.S.



Case No. 183 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 one year to mark his attendance;

(iv) the petitioner shall in now 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.

(Rajiv Roy, J)

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