

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70105 of 2024

Arising Out of PS. Case No.-462 Year-2024 Thana- BELAGANJ District- Gaya

Krishna Prasad Son of Late Mahesh Prasad R/o- Belaganj Bazar, PS-
Belaganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the State : Mr. Damodar Prasad Tiwary, 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 Belaganj P.S. Case No. 462 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 29.07.2024 by the informant, Jamadar Hussain.

3. As per the prosecution story, the informant alleged that upon information about selling of beer by the petitioner, it was raided and 750 ml of foreign liquor recovered from the shop, further, 9 liters were recovered from another shop of him while 135 liters of foreign liquor recovered from a rented house taken by the petitioner from Mukesh Kumar. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that recovery from him/store is/are smaller quantity whereas actual



recovery is from the house of Mukesh Kumar. Though, he submits that the petitioner has criminal antecedent. 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.25,000/ to the District Legal Services Authority, Gaya (exclusively for the purchase of journals) 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 though he claims smaller recovery, the fact remains that the from the home where the alleged recovery took place has been taken by the petitioner on rent.

6. The allegation is there, the petitioner will be facing the trial, nothing has been recovered from his conscious possession, he is in custody since 30.07.2024 (paragraph no.13 of the petition) this Court is inclined to extend him the privilege of bail subject to payment of Rs.25,000/- 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-II, Gaya in connection with Belaganj P.S. Case No. 462 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 six months 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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