

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77436 of 2024

Arising Out of PS. Case No.-9 Year-1998 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Doman Singh S/o- Bhutali Singh Village- Mahuan PS- Bihia, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Comp. P.S. Case No. 09 of 1998 for the offence punishable under sections 47(a) Bihar Prohibition and Excise (Amendment) Act, 2015 of the Indian Penal Code.

3. As per the prosecution story, the informant alleged that it apprehended the petitioner with 5 liter country made liquor near Buxar railway station and FIR was lodged.

4. Learned counsel for the petitioner submits that the matter is of the year 1998, he was granted bail, was a labour and little realized that he has to appear before the Court repeatedly, was declared absconder in the year 2022 and warrant issued in the year 2023 and in that background, he has come into custody on 22.08.2024 (para 13 of the petitioner). It is his further



submission that if granted bail, he shall be diligently appearing in trial so that the same is taken to its logical conclusion.

5. Learned APP opposes the prayer for bail submitting that he has definitely misused the bail.

6. Though there is misuse of bail, considering the allegation that has come in the FIR, further, it has been undertaken by the petitioner that if granted relief, he shall be diligently appearing in trial, has remained in custody since 22.08.2024 (para 13 of the petitioner), taking into account the said undertaking as also the fact that besides this case, he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Excise Special Judge, Court No-2, Buxar in connection with Comp. P.S. Case No. 09 of 1998 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/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 till trial 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.

(Rajiv Roy, J)

Vijay Singh/-

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