

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73726 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- BARSOI District- Katihar

Bhuttu Sah @ Bhikari Sah S/o Late Ram Bahadur Sah R/o Village-Sultanpur,
Barsoi Bazar, P.S.- Barsoi, 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. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Barsoi P.S. Case No. 167 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 28.08.2024 by the informant, Raj Narayan Singh Yadav.

3. As per the prosecution story, the informant alleged that on secret information, he reached the house of Bhuttu Sah and upon search, 22.660 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 rather from a joint house and only because of his criminal antecedent, he has been implicated. Further, without accepting the allegation



and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the District Legal Services Authority, Katihar (exclusively for the purchase of journals).

5. Learned APP opposes the prayer for bail submitting that recovery is from his house.

6. Taking into account the aforesaid submissions as also the fact that recovery/seizure is from a joint house, he is in custody since 29.08.2024 (paragraph-9 of the petition) and as undertaken by the learned counsel for the petitioner, he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Katihar for the purchase of journals by way of Bank Draft and the receipts have to be submitted before the Trial Court.

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 ADJ Exclusive Excise Court No. 2, Katihar, in connection with Barsoi P.S. Case No. 167 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/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 fortnight 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.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

