

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73816 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- BHADHWAR District- Gaya

Jhaksu Bhuiyan @ Jhakas Bhuinyan S/o Late Dasrath Bhuiyan @ Mahesh
Bhiyan R/o Village- Rabdi, P.S.- Bhadwar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, 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 Bhadwar P.S. Case No. 31 of 2024 for the offence punishable under sections 30(a) of Bihar Prohibition & Excise Amendment Act, 2022 lodged on 03.09.2024 by the informant, Dinesh Paswan.

3. As per the prosecution story, the informant during patrolling, raided the house of the petitioner and recovered 65 litre *Mahua*. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is living in a joint house, nothing has been recovered from his conscious possession, he do not have criminal antecedent and is in custody since 05.09.2024 (para 11 of the petition).

5. Learned APP opposes the prayer for bail submitting



that recovery/seizure is from his house.

6. Taking into account the submissions put forward by the parties as also his period of custody, the petitioner do not have criminal antecedent and nothing has been recovered from his conscious possession, 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 Special Excise Judge, Excise Court No. II, Gaya in connection with Bhadwar P.S. Case No. 31 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 six months 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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