

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74411 of 2024

Arising Out of PS. Case No.-573 Year-2024 Thana- Excise P.S. District- Nawada

Shyam Sundar Kumar S/o Virendra Prasad Yadav R/o Village- Pokhardiha,
P.S.- Satgawan, District- Koderma (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with B.P. No. 1494/2024 arising out of Excise Nawada P.S. Case No. 573 of 2024 for the offences punishable under Sections 30(a), 47 of the Bihar Prohibition and Excise Act, lodged on 19.08.2024 by the informant, Ajay Kumar Singh.

3. As per the prosecution story, the police upon secret information intercepted a Tata Punch Car coming from the Jharkhand side and recovered/seized 12 litres Beer and 36 litres foreign liquor. Subsequently, a Tata Sumo was also intercepted and there is recovery/seizure of 215 litres Beer and 88.875 of illicit foreign liquor. Accordingly, seizure and the arrest.

4. Learned counsel for the petitioner submits that though he is the owner of Tata Punch Car, had no role to play in the alleged recovery as the same was being used as a hired car,



has remained in custody since 20.08.2024 (para-4 of the petition) and if granted bail will be diligently appearing in the trial.

5. Learned APP opposes the prayer submitting that he has criminal antecedents.

6. Considering the submissions put forward by the parties as also the fact that an undertaking has been given that he will be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Special Judge, Excise-II, Nawada in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 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 for next 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)

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