

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78534 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- Chhaudahi District- Begusarai

Heera Das @ Heeralal Das S/o Radhe Das @ Radhe Shyam Das Resident of
village- Rajopur, P.S- Chhourahi, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar, Adv.
For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard Mr. Sarvottam Kumar, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection
with Chhourahi P.S. Case No. 110 of 2024 for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, lodged on 26.08.2024 by the informant, Sumit
Shekhar.

3. As per the prosecution story, the police upon secret
information that the petitioner who has criminal antecedent of
the similar nature has kept the liquor in the neighbour's house,
the same was raided and there is recovery/seizure of 142.875
litres of foreign liquor from the house of Ram Kumari Devi.
Accordingly, the FIR, the arrest.

4. Learned counsel for the petitioner submits that



admittedly, the recovery/seizure is from the house of Ram Kumari Devi and to implicate, this theory has been put forward by the police side which has led to his custody since 26.08.2024 (para-4 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.5,000/- (Five thousand) to the District Legal Services Authority, Begusarai, for purchase of books.

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 the recovery/seizure is from the house of Ram Kumari Devi, has remained in custody since 26.08.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 5,000/- (Five thousand) to the District Legal Services Authority, Begusarai, for purchase of books.

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 Sri Rakesh Kumar Singh, learned Exclusive Special Excise Judge 1st , Begusarai 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 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)

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