

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76262 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- AWTARNAGAR District- Saran

Uday Ray S/O Satyanarayan Rai R/O Village- Balua, P.S- Doriganj, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Adv.
		Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Radha Mohan Singh, learned counsel
for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Awtarnagar P.S. Case No. 198 of 2024 for the offences punishable under Section 303(2), 317(5) of the Indian Judicial Code and Sections 30(a), of the Bihar Prohibition and Excise Act, lodged on 08.08.2024 by the informant, Shrawan Kumar Singh.

3. As per the prosecution story, the informant alleged that on information, the police intercepted two motorcycles and there is recovery/seizure of total 190 litres of country made liquor and further it came to notice that the motorcycles too are stolen. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



there is recovery/seizure of only 10 litres from his possession and only because at the time of interception, he failed to produce the document, the police incorporated it as stolen one. The last submission is that though he has criminal antecedent but he will be diligently appearing in the trial.

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

6. Considering the submissions put forward by the parties, though the petitioner has criminal antecedent, it is the case that nothing has been recovered from his conscious possession, he has remained in custody since 10.08.2024 (para-13 of the petition), 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 1st Exclusive Special Excise Judge, Saran at Chapra 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 till the conclusion of the 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)

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