

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75970 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- BARHARA District- Bhojpur

Nirhoo Nut S/o Dhannu Nut @ Dhanu Nut @ Dhun Nut R/o vill - Lawhar
Sripal, P.S. - Barhara, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, 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 Barhara P.S. Case No. 254 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 24.08.2024 by the informant, Jeni Kumari.

3. As per the prosecution story, the police during patrolling intercepted a tempo as also a motorcycle and there is recovery of 200 liters of country made Mahua liquor from the tempo and 50 liters of country made Mahua liquor. Accordingly, the FIR.

4. It is the case of the petitioner that nothing has been recovered from his conscious possession nor the two vehicles belong to him. Further, he do not have criminal antecedent. The



last submission is that he is in custody since 25.08.2024 (para-14 of the petition) and similar placed co-accused has been granted relief in Cr. Misc. No. 74229 of 2024 vide order dated 23.10.2024.

5. Learned APP opposes the prayer submitting that he was driving the motorcycle.

6. The allegation is there, the petitioner has remained in custody since 25.08.2024, he do not have criminal antecedent and similar placed co-accused has been extended the relief, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court Judge-I, Bhojpur at Ara, in connection with Barhara P.S. Case No. 254 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 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 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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