

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77527 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- SHEOHAR District- Sheohar

Uma Shankar Rai son of Late Bir Bahadur Rai village- Sundarpur Kharauna,
Ps- Sheohar, Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Mrs. Divya Bharti, Advocate
For the State	:	Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Sheohar P.S. Case No. 255 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 03.09.2024 by the informant, Ramayan Kumar.

3. As per the prosecution story, the informant alleged upon information hut was raided and there is recovery/seizure of 145.650 liters of foreign liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that dur to enmity the chowkidar has named him, it is an open hut from which the recovery/seizure has been made, nothing has been recovered from his conscious possession and is in custody since



04.09.2024 (paragraph no.14 of the petition). Further, it has been stated that the petitioner do not have criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that recovery is from the hut which belongs to this petitioner.

6. Taking into account the submissions put forward by the parties as also the fact that the recovery/seizure is from the hut not from his conscious possession, in is custody since 04.09.2024 having no criminal antecedet, this Court is inclined to extend him the privilege of bail.

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 Judge, Excise, Sheohar, in connection with Sheohar P.S. Case No. 255 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 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 now 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 bail bonds.

(Rajiv Roy, J)

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