

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80322 of 2024

Arising Out of PS. Case No.-408 Year-2024 Thana- BANIAPUR District- Saran

Kanhaiya Rai S/O Lal Bihari Rai @ Lal Bihari Yadav R/O Village- Rampur
Mathiya, Police Station- Ekma, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Baniapur P.S. Case No. 408 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 06.09.2024 by the informant, Purshottam Kumar.

3. As per the prosecution story, the police upon information about manufacturing of country made liquor by the petitioner as also Vishwakarma Chaudhary, raided the house of Vishwakarma Chaudhary and there is recovery of 130 liters of country made liquor, the accused managed to escape, the petitioner arrested on 07.09.2024, this led to the F.I.R.

4. Learned counsel for the petitioner submits that



admittedly, the house belongs to Vishwakarma Chaudhary, he was present at an inappropriate place, arrested. He do not have criminal antecedent and is in custody since 07.09.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer submitting that as per the police information, he was also part of the manufacturing along with Vishwakarma Chaudhary.

6. Taking into account the submissions put forward by the parties as also the fact that the recovery/seizure is from the house of Vishwakarma Chaudhary, he is in custody since 07.09.2024 having no criminal antecedent, 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Baniapur P.S. Case No. 408 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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