

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75681 of 2024**

Arising Out of PS. Case No.-113 Year-2024 Thana- EXCISE PIRO District- Bhojpur

Sudhir Kumar S/O Late Sukhdev Sah R/O Village and P.S- Piro, Distt.-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, 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 Excise Piro P.S. Case No. 113 of 2024 for the offence punishable under Sections 30(a) (c)(d) of the Bihar Prohibition and Excise (Amendment) Act lodged on 08.09.2024 by the informant, Ashish Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the under construction building of Chandan Singh @ Prince Kumar was raided where one Arunesh Kumar Madhukar who tried to escape was apprehended and upon search, there is/are recovery of altogether 4881.780 liters of Indian Made Foreign Liquor



including 760.00 liters of spirit. Upon query, it was informed by Arunesh Kumar that beside him, Chandan Singh @ Prince Kumar (owner of the building), Kranti Singh are indulged in the business of selling of the liquor which subsequently sold to Sudhir Kumar and Anil Kumar. Subsequently, the seizure list prepared and Arunesh Kumar arrested.

4. It is the case of the petitioner that neither the building belongs to him nor there is any recovery/seizure from his possession. There may be role of Arunesh Kumar, Kranti Singh and house owner, Chandan Singh but his name has come as the person whom they provide liquor for sell for which he has already suffered by being in custody since 21.09.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that his name has come in the confessional statement of Arunesh Kumar and from the house of Chandan Singh, there is huge recovery of liquor/spirit.

6. The recovery/seizure is huge, however, the fact remains that the petitioner neither owns the home nor anything has been recovered from his conscious possession rather his name has come in the confessional statement of Arunesh Kumar, he has remained in custody since 21.09.2024,



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 No.II, Bhojpur at Ara, in connection with Excise Piro P.S. Case No. 113 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 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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