

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78624 of 2024

Arising Out of PS. Case No.-1334 Year-2024 Thana- Excise P.S. District- East Champaran

Subhash Sah Son of Meghu Sah @ Medhu Sah @ Maghu Sah R/o Village-
Jhauwaram, P.S.- Dhaka, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Deepak Kumar, Advocate Mr. Dhandev Kumar, Advocate Mr. Anil Kr. Sinha, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise (Motihari) P.S. Case No. 1334 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 12.08.2024.

3. As per the prosecution story, the Police upon information, intercepted the motorcycle and recovered/seized 90 liters country-made Nepali liquor. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that he does not own the motorcycle, being a pillion rider, arrested. Nothing has been recovered from his conscious possession and is in custody since 13.08.2024 (paragraph-16 of the petition).



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

6. Considering the submission put forwarded by the parties as also that the petitioner does not own the motorcycle and is in custody since 13.08.2024, 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, East Champaran, Motihari, in connection with Excise (Motihari) P.S. Case No. 1334 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/her 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 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)

Adnan/-

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