

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76601 of 2024

Arising Out of PS. Case No.-493 Year-2024 Thana- MUFFASIL District- West Champaran

Surenbra Yadav Son of Late Gaya yadav R/O Village- Ward No. 3, Ahwar
Shekh, Aunhar Shekh, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advpcate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Md. Iftekhar Mahmood, learned APP
for the State.

2. The petitioner is in judicial custody in connection
with Bettiah Muffasil P.S. Case No. 493 of 2024 for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act lodged on 31.08.2024 by the informant, Raj Kumar
Sah.

3. As per the prosecution story, the informant alleged
that during the evening patrolling, it intercepted a four wheeler
which tried to escape but was overturned and the accused
escaped taking advantage of the darkness. Upon search, 840
liters of spirit were recovered/seized as also a smart phone from
the vehicle. This led to the FIR.



4. Learned counsel for the petitioner submits that a perusal of the FIR would show that no one has been apprehended nor anything recovered from anyone's conscious possession much less the petitioner. Further, the vehicle does not belong to him, only because he has criminal antecedents, implicated and similar situate person, Ajay Kumar has been granted relief vide order dated 24.10.2024 in Cr. Misc. No. 75770 of 2024. He is in custody since 02.09.2024 (para-14 of the petition) and the last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, West Champaran at Bettiah for the installation of benches in the Civil Court campus, Bettiah through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that his name has come during the course of investigation and also has criminal antecedent.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that similar situate co-accused has been extended relief, nothing has been recovered from his conscious possession nor the vehicle belongs to him,



FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the District Legal Services Authority, West Champaran at Bettiah for installation of benches in the Civil Court campus, Bettiah through Demand Draft issued by the local branch of the State Bank of India.

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-I, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 493 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.

8. Let a copy be sent to the learned District Judge, West Champaran, Bettiah for his perusal and needful.

(Rajiv Roy, J)

Adnan/-

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