

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77052 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- Lalamnia District- Madhubani

Md. Kalim Son of Md. Nabujaan Resident of Village - Kamalpur, P.S. -
Laukaha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard Mr. Jitendra Kumar Bharti, learned counsel
for the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in custody in connection with
Lalmaniya P.S. Case No. 56 of 2024 for the offence punishable
under sections 274, 275 BNS Act, 2023 and 30(a) of the Bihar
Prohibition and Excise Act, 2018 lodged on 08.09.2024 by the
informant, Uday Kumar Sharma.

3. As per the prosecution story, the informant alleged
that upon information, it went near the river and found accused
coming from Nepal side, as they were asked to stop, three of
them successfully escaped whereas this petitioner was arrested.
After the search, 144 litre Nepali liquor recovered/seized.

4. Learned counsel for the petitioner submits that he
do not have criminal antecedent, is a local villager, the accused



escaped but the police arrested him, has remained in custody since 08.09.2024 (para 17 of the petition).

5. Learned APP opposes the prayer for bail submitting that there is recovery of 144 liter country made Nepali liquor.

6. Considering the submissions of the respective parties as also the fact that nothing has been recovered from his conscious possession, he do not have criminal antecedent, is in custody since 08.09.2024 (para 17 of the petition), 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 Special Judge Excise Act, Jhanjharpur, District- Madhubani in connection with Lalmaniya P.S. Case No. 56 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 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.

(Rajiv Roy, J)

Vijay Singh/-

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