

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76243 of 2024

Arising Out of PS. Case No.-316 Year-2024 Thana- SIRDALA District- Nawada

Sadanand Kumar @ Sadanand Paswan S/O Rambali Paswan Resident Of
Village Bara, P.S- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Adv.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Sirdalla P.S. Case No. 316 of 2024 for the offence punishable under sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016 lodged on 25.08.2024 by the informant, Nagendra Paswan.

3. As per the prosecution story, the informant alleged that during patrolling near the river, two motorcycles were found present. As the police arrived, the accused tried to escape but were apprehended and allegation is that from both the motorcycles, Honda Shine and Hero Splendor, there is/are recovery of 230 liter country made liquor and 20 liter respectively. As the petitioner owns the motorcycle, has been named as one of the accused.



4. Learned counsel for the petitioner submits that he is a student, was there near the river to take a bath, the police arrived and to implicate the present story, he has already suffered by being in custody since 25.07.2024 (para 12 of the petition) only because of criminal antecedent and if granted relief, will diligently appear in trial.

5. Learned APP opposes the prayer for bail submitting that the recovery/seizure is from the vehicles, one of them being owned by the petitioner.

6. Considering the submissions put forward by the parties as also the fact that he has remained in custody since 25.07.2024 and has undertaken to diligently appear in trial, 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-1, Nawada in connection with Sirdalla P.S. Case No. 316 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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