

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77672 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- Excise P.S. District- Sheohar

Pappu Kumar Son of Rajkumar Sah @ Raj Kumar Resident of Village -
Shahpur, Ward No. 07, Police Station - Sheohar, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
Mrs. Divya Bharti, Adv.
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-11-2024 Heard Mrs. Divya Bharti, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Sheohar Excise P.S. Case No. 175 of 2024 for the offence
punishable under sections 30(a) , 32(3) of the Bihar Prohibition
& Excise Act, 2018 lodged on 13.07.2024 by the informant, Om
Prakash Kumar Yadav.

3. As per the prosecution story, the police upon
information, searched a TVS Sport motorcycle, Hero Xtreme
motorcycle and Swift Dzire car and there is/are recovery of 36
liter, 72 liter, 117 liter respectively of Nepali liquor (totaling 225
liter). Accordingly, those present on the vehicles were taken into
custody and the FIR was lodged.



4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession though he owns TVS motorcycle, the police falsely implicated only because he has criminal antecedent. The further submission is that if granted relief and found indulged in the same activity, the prosecution shall be free to take steps for cancellation of the present bail bond.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that he is in custody since 13.07.2024 (para 14 of the petition) and an undertaking has been given that he shall be diligently appearing 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 Judge Excise, Sheohar in connection with Sheohar Excise P.S. Case No. 175 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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