

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77624 of 2024

Arising Out of PS. Case No.-250 Year-2024 Thana- Excise P.S. District- Samastipur

Ramsograth Sah @ Swarath Sah S/O Baleshwar Sah R/O Village- Darhia
Belar, P.S- Karpurigram, PIN- 848129

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Sadar Utpad (Excise) P.S. Case No. 250 of 2024 for the offence punishable under section 30a of the Bihar Prohibition and Excise Act of the Indian Penal Code lodged on 21.09.2024 by the informant, Prashant Kumar.

3. As per the prosecution story, the police upon secret information, raided the poultry farm of the petitioner and upon search, behind the wall 20.625 liters of foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the recovery/seizure is from behind the wall of the poultry farm and not either from the farm or from his conscious possession and only because of his criminal



antecedent, implicated. Further, he is in custody since 22.09.2024 (para-1 of the petition) and an undertaking is given that if he is implicated in any other case of similar nature, the present bail bond be cancelled, if granted relief.

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

6. Considering the submissions put forwarded by the parties as also the fact that the recovery/seizure is from behind the wall of the poultry farm and not from his conscious possession, he is in custody since 22.09.2024, has undertaken to diligently appear in trial and further, certificate has been given that he shall not indulge in the same activity again, 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 Court of Exclusive Special Excise Court-2, Samastipur or its successor Court, in connection with Sadar Utpad (Excise) P.S. Case No. 250 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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