

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77581 of 2024

Arising Out of PS. Case No.-705 Year-2024 Thana- FATUA District- Patna

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Bachu Rai Son of Shivshankar Ray Resident of Village - Purshottampur, P.S. - Rustampur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Fatuha P.S. Case No. 705 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 06.10.2024 by the informant, Vinod Kumar Singh.

3. As per the prosecution story, the informant alleged that upon secret information, intercepted a Tempo alongwith two motorcycles and recovered/seized 80 liters of Mahua liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own either the motorcycles and/or the Tempo, nothing has been recovered from his conscious possession, he is in a private job but is suffering by being in custody since 06.10.2024



(para-19 of the petition) and further do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that his name has come in the FIR and there is recovery/seizure of 80 liters of Mahua liquor.

6. Considering the aforesaid submissions put forward by the parties as also the fact that the Tempo and/or the motorcycle does not belong to him and is in custody since 06.10.2024 having no criminal antecedent, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City, Patna, in connection with Fatuha P.S. Case No. 705 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.

(Rajiv Roy, J)

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