

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77547 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- BELHAR District- Banka

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Pawan Tudu Son of Varsha Tudu Resident Of Village- Khota, Ps -Belhar,
Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, 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 Special Excise No. 410 of 2024 arising out of Belhar P.S. Case No. 279 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 30.08.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that in course of routine patrolling, intercepted a motorcycle and recovered/seized 86 liters of Mahua liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because the motorcycle belongs to him, implicated. Nothing was recovered from his conscious possession and he is in custody since 31.08.2024 (para-6 of the petition) having no criminal



antecedent.

5. Learned APP opposes the prayer.

6. Considering the aforesaid submissions put forward by the parties as also the fact that he is in custody since 31.08.2024 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 Spl. Excise Court-1, Banka, in connection with Special Excise No. 410 of 2024 arising out of Belhar P.S. Case No. 279 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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