

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83802 of 2024

Arising Out of PS. Case No.-774 Year-2024 Thana- DANAPUR District- Patna

Awadhesh Kumar @ Awadhesh Rai Son of Late Shivdayal Rai @ Late Shiv
Dayal Ray Resident of Village- Nasriganj Biscuit Factory More, Ward No. 33,
P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Danapur P.S. Case No. 774 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act and 25(1-B) (a) and 26 of the Arms Act lodged on 23.08.2024 by the informant, Shyamnarayan Singh.

3. As per the prosecution story, the informant alleged that upon secret information, reached the house of the petitioner and there is recovery/seizure of 6.75 liters beside a pistol without any magazine. This led to the FIR.

4. Learned counsel for the petitioner submits that it is joint house, nothing has been recovered from his conscious possession, the Police implicated him as he has criminal



antecedents and he is in custody since 24.08.2024 (paragraph-10 of the petition).

5. Learned APP opposes the prayer for bail submitting that the recovery is from his house and he has criminal antecedents.

6. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession, is in custody since 24.08.2024 and an undertaking has been given that he will 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 Special Excise Judge, Danapur, in connection with Danapur P.S. Case No. 774 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)

Adnan/-

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