

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78467 of 2024

Arising Out of PS. Case No.-1042 Year-2024 Thana- Excise P.S. District- Gaya

Sudhir Kumar S/O Ramkhelawan Saw R/O vill - Gautam Nagar, P.S - Bodhgaya, Dist.- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case (Gaya) Case No. 1042 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 06.10.2024 by the informant, Khusboo Kumari.

3. As per the prosecution story, the informant alleged that upon secret information, raided the house of the petitioner and from the deep freezer recovered/seized 6.375 liters of foreign liquor as also 59.00 liters of beer. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his house, it was outside, but pointing finger towards him that he owns the deep freezer, implicated. He is in custody since 07.10.2024 (para-12 of the



petition).

5. Learned APP opposes the prayer submitting that though the recovery is from the deep freezer outside the house, since it has been kept near his home, he cannot disown it.

6. Taking into account the aforesaid submissions as also that there is no recovery from the house, his house is outside of the deep freezer, is in custody since 07.10.2024, 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 Court of Exclusive Excise Court No.3, Gaya, in connection with Excise P.S. Case (Gaya) Case No. 1042 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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