

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79229 of 2024

Arising Out of PS. Case No.-320 Year-2024 Thana- CHIRAIYA District- East Champaran

Kishori Rai Son of Bir Bahadur Rai @ Vir Bahadur Ray Resident of Village -
Baidhnathpur, P.S. - Chiraiya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Chiraiya P.S. Case No. 320 of 2024 for the offence under Sections 317(5) of the Bharatiya Nyaya Sanhita and section 30(a) and 41(1) of the Bihar Prohibition and Excise Act, lodged on 31.07.2024 by the informant, Santosh Kumar.

3. In this case while going through the affidavit this Court found that the signature of the Oath Commissioner is missing. Upon calling him, he showed a sign of the Duck and submitted that it is his signature. In that background, it is impossible to know who is the Oath Commissioner, this Court directs the Joint Registrar (List) to inform all the Oath Commissioners to prepare a fresh stamp/seal in which the name of the Oath Commissioners should be in capital letters and in



bracket just above their enrollment number. The office to do the needful and inform the Joint Registrar (List) in this regard. This change must come by 01.01.2025.

4. As per the prosecution story, the police in the course of patrolling upon information intercepted a motorcycle and there is recovery/seizure is of 80 liters of country made liquor from a bag, this led to the F.I.R.

5. Learned counsel for the petitioner submits that he do not have criminal antecedent, the vehicle does not belong to him, he has remained in custody since 01.08.2024 (paragraph no.13 of the petition).

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner does not own the motorcycle, F.I.R. lodged, he shall be facing the trial, this Court is inclined to extend him the privilege of bail.

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 Excise Court No.-1, East Champaran, Motiharis in connection with Chiraiya P.S. Case No. 320 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 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 now 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 bail bonds.

8. Let the office to send a copy to Joint Registrar List for his perusal and needful.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

