

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80949 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- Bikramganj Excise District- Rohtas

Chhatu Kumar S/o Shri Ganga sagar sah R/o-Village-Anwarhi, P.S.-Dawath,
District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024

Heard Mr. Mukesh Kumar Pandey, learned

counsel for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Bikramganj Excise P.S. Case No. 159 of 2024 for the offences punishable under Sections 30(a) & 62 of Bihar Prohibition & Excise Act, 2018 of the Indian Penal Code, lodged on 07.10.2024 by the informant, Sanjit Kumar Tiwary.

3. As per the prosecution story, the police upon information that the petitioner is selling the liquor, raided the house and there is recovery/seizure of 55.440 liters foreign liquor. This led to his arrest. Further, the police moved to another place and found a lady who tried to escape. She was also apprehended and there is recovery/seizure of 7 liter country made liquor, which led to her arrest, FIR thereafter, was lodged.



4. Learned counsel for the petitioner submits that he do not criminal antecedent, the police raided the house, it is a joint property but since the petitioner was present outside, taken into custody and is in jail since 08.10.2024 (para 10 of the petition).

5. Learned APP for the State opposes the prayer submitting that the petitioner tried to escape and was apprehended, which followed the recovery.

6. Considering the submissions put forward by the parties as also the fact that the recovery is from a joint house, is in custody since 08.10.2024 and has no criminal antecedent, 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 Judge, Rohtas at Sasaram in connection with Bikramganj Excise P.S. Case No. 159 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.

(Rajiv Roy, J)

Vijay Singh/-

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