

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80076 of 2024

Arising Out of PS. Case No.-337 Year-2024 Thana- BRAHMPUR District- Buxar

Govind Choudhary Son of Sudama Choudhary Village- Arak Bintoli PS
-Brahmpur, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard Mr. Ajit Kumar, learned counsel for the
petitioner and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioner is in judicial custody in connection with Brahmpur P.S. Case No. 337 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 13.07.2024 by the informant, Rajendra Kumar Chakravarty.

3. As per the prosecution story, the informant alleged that upon secret information, the people with bags on their head were intercepted and there is recovery/seizure of 117 litres country made liquor which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather from a bag present in the field but only because of criminal



antecedent, implicated.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though the petitioner has criminal antecedent but considering the fact that the recovery/seizure is from bags and not from his conscious possession, is in custody since 05.09.2024 (para-4 of the petition), this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Special Judge, Excise Court No.2, Buxar in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 month for next one year 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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