

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80140 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- MANJHAGARH District- Gopalganj

Sudama Yadav S/o- Late Mukhlal Yadav Resident of Village - Shyamnagar,
Bhainsahi, Police Station - Manjhagarh, District - Gopalganj... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Manjhagarh P.S. Case No. 291 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 29.09.2024 by the informant, Sanjay Kumar.

3. The allegation in the FIR is that house of one Bira Chaudhary was raided and there is recovery/seizure of 243 litres of country made liquor, which led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that it is the house of Bira Chaudhary where the raid/recovery made, he got implicated because of his criminal antecedent, the name was disclosed by the Chowkidar and has already remained in custody since 12.10.2024 (para-11 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.10,000/- (Ten



thousand) to the District Legal Services Authority, Gopalganj, for installation of benches in the Civil Court campus, Gopalganj.

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

6. Considering the submissions put forward by the parties as also the fact that the recovery/seizure has been made from the house of one Bira Chaudhary and not from the conscious possession of the petitioner, has remained in custody since 12.10.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- (Ten thousand) to the District Legal Services Authority, Gopalganj, for installation of benches in the Civil Court campus, Gopalganj. A receipt thereof, has to be submitted before the learned Trial court.

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 Additional Sessions Judge-XIII-cum-Special Excise Court No.1, Gopalganj 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 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.

8. Let a copy of this order be communicated to the learned Principal District & Sessions Judge, Gopalganj for his perusal.

(Rajiv Roy, J)

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