

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80061 of 2024

Arising Out of PS. Case No.-327 Year-2024 Thana- TURKAULIYA District- East
Champaran

Rajeshwar Sah S/o- Late Narayan Sah Resident of village- Jaisinghpur Sahrda
Ps- Turkauliya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard Mrs. Rashmi Jha, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Turkauliya P.S. Case No. 327 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 19.07.2024 by the informant, Santosh Kumar Patel.

3. As per the prosecution story, the informant alleged that upon information, the place was raided and from the field there is recovery/seizure of 30 liters of country made liquor, this led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from an open place, not from



his conscious possession, he has remained in custody since 21.09.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that he is in custody since 21.09.2024 having 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 Excise Court No.-1, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 327 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)

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