

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80968 of 2024

Arising Out of PS. Case No.-1188 Year-2024 Thana- NAWADA District- Nawada

Rahul Kumar @ Bhola S/O Krishna Prasad Resident of Village- Ram Nagar,
Nawada, Ward No. 7, P.S. Nawada (Town), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Nawada Town P.S. Case No. 1188 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 10.10.2024 by the informant, Ramesh Kumar Yadav.

3. As per the prosecution story, the informant, upon secret information about use of illegal liquor, raided the rented house of the petitioner and recovered/seized 124.375 liters beer and foreign liquor which led to the F.I.R.

4. Learned counsel for the petitioner submits that only because of one criminal antecedent against him, he has been taken into custody, nothing has been recovered from his conscious possession rather from a house, is in custody since 11.10.2024 (para-4 of the petition).



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

6. Considering the submission put forwarded by the parties as also that the recovery is not from his conscious possession rather from a house and is in custody since 11.10.2024, this Court is inclined to extend him the privilege of bail with conditions.

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, Nawada, in connection with Nawada (Town) P.S. Case No. 1188 of 2024 subject to the following conditions:

(1) 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 and the 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 bail bond.

(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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