

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82186 of 2024

Arising Out of PS. Case No.-630 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

RajKumar Shah @ Raj Kumar S/O Dev Nath Shah Resident Of Village
Dilawarpur, P.S- Kesharia, Dist - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the State : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalganj P.S. Case No. 630 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 01.09.2024 by the informant, Mankeshwar Mahto.

3. As per the prosecution story, the informant alleged that during night patrolling, upon secret information, the Police raided the place near Ambedkar Chowk and upon intercepting this petitioner it is alleged that there is recovery/seizure of 103.680 liters of foreign liquor, this led to the F.I.R, arrest.

4. Learned counsel for the petitioner submits that it has not been recovered from his conscious possession rather



near the Biryani Shop, he being a passerby, implicated. Further, he do not have criminal antecedent and is in custody since 01.09.2024 (paragraph no.4 of the petition).

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

6. Considering the submissions put forward by the parties as also the fact that nothing has been recovered from his conscious possession and is in custody since 01.09.2024, 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 Additional District and Sessions Judge, XIII-cum-Special Judge Excise-I, Gopalganj in connection with Gopalganj P.S. Case No. 630 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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