

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81188 of 2024

Arising Out of PS. Case No.-748 Year-2024 Thana- Excise P.S. District- Gopalganj

Pawan @ Pawan Mishra Son of Late Ram Lal Mishra Resident of Village -
Mathiya Khurd, Police Station - Nebua Naurangiya, District - Kushinagar
(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024 Heard Mr. Bijay Prakash Singh, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection
with Excise P.S. Case No. 748 of 2024 for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, lodged on 28.09.2024 by the informant, Md.
Haider Ali.

3. As per the prosecution story, the informant alleged
that during the checking of the vehicle, a person was found
moving with a bag, as he tried to retreat was apprehended and
there is recover of 8.640 liters of liquor, which led to the
F.I.R./arrest.

4. Learned counsel for the petitioner submits that
nothing has been recovered from his conscious possession, he



was moving, a bag was lying, the police implicated him because he has criminal antecedent. Further, he is in custody since 29.09.2024 (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 nothing has been recovered from his conscious possession and is in custody since 29.09.2024, 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-IV-cum-Exclusive Special Excise Court No.-II, Gopalganj in connection with Excise P.S. Case No. 748 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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