

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82700 of 2024

Arising Out of PS. Case No.-2349 Year-2024 Thana- Excise P.S. District- Patna

Bhonu Ray S/o Late Bishundhari Ray Resident of Mohalla- Kila Road, P.S-
Chowk, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 2349 of 2024 for the offence punishable under sections 30(a) and 56 (b) of the Bihar Prohibition and Excise Act lodged on 05.10.2024 by the informant, Santosh Kumar Shrivastava.

3. As per the prosecution story, the informant upon secret information of movement of liquor near Kangan Ghat, Patna City, intercepted a boat and from the jute bag, there is recovery/seizure of 1100 liters of country-made liquor. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been taken into custody, the boat does not belongs to him, is a worker who has given the work of unloading the materials, has nothing to do with the alleged



recovery and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Patna for the beautification (purchasing flower pots) in the Civil Court Campus of Patna Judgeship through Demand Draft issued by the local branch of the State Bank of India.

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

6. Considering the submissions put forwarded by the parties as also that the boat does not belongs to him, nothing has been recovered from his conscious possession and is in custody since 06.10.2024 (paragraph-4 of the petition), this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Patna for the beautification (purchasing flower pots) in the Civil Court Campus of Patna Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Patna.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge Excise-3rd, Patna, in connection with Excise P.S. Case No.



2349 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/her 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 fortnight for 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.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

