

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82711 of 2024

Arising Out of PS. Case No.-762 Year-2024 Thana- BARH District- Patna

Uday Rai @ Uday Yadav Son of Late Bhuneshwar Rai @ Bhuna Rai Resident
Of Village -Pachhiyari Malahi, P.S.- Barh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Barh P.S. Case No. 762 of 2024 for the offences punishable under Sections 30, 30(a), 38 and 41(1) of the Bihar Prohibition and Excise Act, lodged on 11.10.2024 by the informant, Shashiranjana Kumar.

3. As per the prosecution story, the informant alleged that upon secret information about selling of the liquor, the house of the petitioner was raided and 48.96 liters of foreign liquor and 40 liters of country made liquor recovered/seized. This led to the F.I.R.

4. Learned counsel for the petitioner submits that



the recovery/seizure is from a joint house and nothing has been recovered from his conscious possession, only because of criminal antecedent he has been implicated and if granted relief and found in another criminal activity, the prosecution shall be free to cancel the present bail bond and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs.10,000/- to the District Legal Services Authority, Patna for the purchase of Steel Benches/Flower Pots for the Civil Court Campus of Barh, Patna Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

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

6. Taking into account the submissions put forward by the parties as also the fact that nothing has been recovered from his conscious posses rather from a joint house and an undertaking has been given that he shall be desisting from the further criminal act, is in custody since 11.10.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services



Authority, Patna for the purchase of Steel Benches/Flower Pots for the Civil Court Campus of Barh, Patna by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

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 Judge Excise, Barh, Patna in connection with Barh P.S. Case No. 762 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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