

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82873 of 2024

Arising Out of PS. Case No.-511 Year-2024 Thana- HARSIDHI District- East Champaran

Rahul Kumar Son of Rajkumar Prasad @ Raju Sah Resident of village-
Harsiddhi Kanu Tola, PS- Harsiddhi, District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-12-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Harsiddhi P.S. Case No. 511 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 02.10.2024 by the informant, Santoshi Kumari.

3. As per the prosecution story, the informant upon information that the accused persons are selling liquor in their shop, raided the place and there is recovery/seizure of 1.80 liters of foreign liquor and 10 liters of country made liquor, totalling 11.80 liters of liquor. This led to the FIR, arrest.

4. It is the case of the petitioner that nothing has been recovered from his conscious possession, he has been implicated only because of criminal antecedent and is in



judicial custody since 03.10.2024.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession and is in custody since 03.10.2024, 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, Civil Court, East Champaran at Motihari, in connection with Harsiddhi P.S. Case No. 511 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 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 next 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)

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