

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3040 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- KARJA District- Muzaffarpur

Pappu Sah Son Of Nathuni Sah Resident Of Village- Rotiniya, P.S.-KARJA,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Karja P.S. Case No. 311 of 2023, lodged on 10.09.2023 under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, FIR has been lodged
against the sole petitioner alleging that he has kept his foreign
liquor at a particular place from where the police has recovered
120 ltrs. 500 ml ltrs. of foreign liquor which is apparent from
the seizure list.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that nothing was recovered from the possession of
the petitioner rather, the said recovery was made near *Manish
Laghu Udyog* and the petitioner does not belongs to the said
Manish Laghu Udyog. Counsel further submits that the
antecedent of the petitioner is not clean and there are four



criminal cases pending against him in which in three cases, he is on bail and in one case he is persuading for bail. Counsel also submits that the charge sheet has already been filed in this case and the petitioner is in custody since 09.11.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.II, Muzaffarpur in connection with Karja P.S. Case No. 311 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

7. However, the petitioner shall be granted bail only after Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Karja P.S. Case No. 210 of 2023.

(II)- Karja P.S. Case No. 371 of 2023.

(III)- Karja P.S. Case No. 322 of 2023.

(IV)- Karja P.S. Case No. 253 of 2022.

(Dr. Anshuman, J.)

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