

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4475 of 2024

Arising Out of PS. Case No.-441 Year-2023 Thana- Excise P.S. District- Rohtas

Lakki Kumar @ Shera Yadav, aged about 27 years, son of Late Surendra Kumar Singh RESIDENT OF VILLAGE- NEW DILLIYAN TOLA OR NEW DILLIYAN, WARD NO.- 21, P.S.-DEHRI(TOWN), DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 441 of 2023 (Excise Case No. 1119/2023) for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 8.9.2023 by the informant, Munna Kumar.

3. As per the prosecution story, the police upon information raided the place and recovered from the cowshed/semi constructed home 199.500 illicit liquor as the cowshed belongs to this petitioner, the FIR. One Amit Kumar was arrested who named this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery is from the cowshed of the petitioner which is an open



place and the alleged recovery cannot be attributed to him. Nothing has been recovered from his conscious possession. He has been implicated only because of criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties as also that the recovery is from an open place/cowshed, he is in custody since 9.9.2023 (para-8 of the petition), 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 Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Excise Case No. 441 of 2023 (Excise Case No. 1119/2023) subject to 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 bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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