

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4321 of 2024

Arising Out of PS. Case No.-72 Year-2020 Thana- BALIA BELON District- Katihar

=====

Pawan Kumar Das @ Bhutto Das S/O SANT LAL DAS RESIDENT OF
MALLIK PUR, PS. KADWA, DIST. KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Balia Belon P.S. Case No. 72 of 2020 for the offence punishable under Sections 30(a) of the Bihar Excise and Prohibition Act 2016, lodged on 19.08.2020 by the informant, Radha Mohan Ram.

3. As per the FIR, the police upon information intercepted a motorcycle and recovered/seized 95 liters of local vine (*chulai*). The accused managed to escape, however, the chowkidar gave his name. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because the motorcycle belongs to him he has been implicated. He had gone to a place, the motorcycle was parked and the police has attributed this case and in course of that he has been



implicated.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submission as also his period of custody since 08.09.2023 (para 16 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special, Excise-(i), Katihar, in connection with Balia Belon P.S. Case No. 72 of 2020, 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/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 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)

Adnan/-

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

