

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4037 of 2025**

Arising Out of PS. Case No.-145 Year-2024 Thana- JALALGARH District- Purnia

Shiv Kumar Sah @ Kariya Son of Tej Narayan Sah Resident of village-
Harchandrapur PS -Jalalgarh District -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-03-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Jalalgadh P.S. Case No. 145 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 15.09.2024 by the informant, Md. Nasir Khan.

3. As per the prosecution story, the informant alleged that upon information, the house of Naresh Goswami was raided, Munni Devi @ Kiran Devi was present as also the son-in-law, Manohar Puri and there is recover/seizure of 252.750 liters of foreign liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that only because of his criminal antecedent, he got implicated, nothing has been recovered from his conscious possession and his name has come in the confessional statement of Munni Devi who has since been granted bail in Cr. Misc. No. 81213 of 2024. The further submission is that he is in custody since 06.11.2024 and the last submission is that without accepting the allegation and/or the



outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Purnea for the beautification of the Civil Court Campus of Purnea Judgeship through Demand Draft issued by the local bank of the State Bank of India.

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

6. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession, he is in custody since 06.11.2024 and some of the co-accused has been granted bail, as stated above, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- by the petitioner as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Purnea by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioners 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 Judge Excise Court No.-01, Purnea in connection with Jalalgadh P.S. Case No. 145 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/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 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.

8. Let a copy of this order be sent to the learned Principal District and Sessions Judge, Purnea for his perusal and needful.

(Rajiv Roy, J)

Adnan/-

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