

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78012 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- BHAPTIAHI District- Supaul

Sanjay Kumar Son of Kishundev Mehta R/O- Bhaptiyahi, Ward No.05, P.S.-
Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate
For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with ST Excise Case No. 772 of 2024 arising out of Bhaptiyahi P.S. Case No. 202 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 19.08.2024 by the informant, Sonu Kumar.

3. As per the prosecution story, the informant alleged that on information of smuggling liquor from Nepal by boat by one Sanjay Kumar, the police reached the place near Indo-Nepal dam and found the accused persons unloading the materials from the boat. Upon sight of the police, they escaped and from the sacks, there is recovery/seizure of 253.5 litres of Nepali liquor. The police subsequently, raided the house of the Sanjay



Kumar and found the accused persons including this petitioner unloading the sacks. The court-yard was searched, there is recovery/seizure of 528 litres of Nepali liquor as also 8.280 liters of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the recovery has been shown from his house, it is a joint property and nothing has been recovered from his conscious possession, is in custody since 20.08.2024 (paragraph no.12 of the petition), do not have criminal antecedent and further the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner on its own would like to contribute Rs.25,000/- towards Chief Minister's Relief Fund by Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer submitting that there is recovery from his house.

6. Considering the submissions put forward by the parties as also the fact that the recovery is not from his conscious possession and do not have criminal antecedent, is in custody since 20.08.2024, F.I.R. lodged, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.25,000/- towards the



Chief Minister's Relief Fund by Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

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, Supaul in connection with ST Excise Case No. 772 of 2024 arising out of Bhaptiyahi P.S. Case No. 202 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 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 bail bonds.

(Rajiv Roy, J)

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