

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81530 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- Nawalpur District- West Champaran

Saheb Kumar Son of Lalparikha Chaudhary Resident of Village- Chandraha,
Rupwaliya, P.S.- Bathwariya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Nawalpur P.S. Case No. 68 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 23.08.2024 by the informant, Shambhu Ojha.

3. As per the prosecution story, the informant alleged that on the basis of confidential information, the motorcycle as well as car were intercepted and there is/are recovery of 34.920 liters of liquor from the motorcycle and 184.635 liters of liquor from the car. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



does not own either the motorcycle or the car as he narrated in the paragraph no.8 of the petition, though there is no clarity about the ownership of the car, though he stands implicated and there is recovery/seizure of 175.59 liters of foreign liquor from the Hyundai Car in which he was present, has remained in custody since 24.08.2024 (paragraph no.12 of the petition), though he concede that he has criminal antecedent. Last submission is that without accepting the allegation and/or the outcome of the present petition the petitioner intends to pay Rs.30,000/- for fixation of steel benches on at Valmiki Nagar river front near the Circuit House through Demand Draft issued by the local State Bank of India branch.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts that he is not the owner of the car, has no criminal antecedent, is in custody since 24.08.2024, shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 30,000/- as undertaken by the learned counsel for the petitioner to be paid to the Valimiki Nagar Forest Division-II, West Champaran by Demand Draft of local State Bank of India for the fixation of steel benches at



Valmiki Nagar river front near the Circuit House and the receipt has to be submitted before the Trial Court to be handed over by the Valmiki Nagar Forest Division-II to 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-II, Bettiah, West Champaran in connection with Nawalpur P.S. Case No. 68 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.

8. Let a copy of the order be communicated to the office of the District Forest Officer, Valmiki Nagar Forest Division-II, West Champaran.

(Rajiv Roy, J)

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