

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81206 of 2024

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

Niranjn Sah Son of Moti Sah 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. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-02-2025

Heard Mr. Bimlesh Kumar Pandey, learned

counsel for the petitioner and Mr. Jitendra Kumar Singh, learned
APP for the State.

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, though he stands implicated and recovery from him has been shown to be 34.920 liters of foreign liquor, 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.20,000/- for the beautification of the campus of Civil Court, West Champaran through Demand Draft issued by the local State Bank of India.

5. Learned APP Mr. Jitendra Kumar Singh, for the State opposes the prayer submitting that he has criminal antecedent.

6. Considering the facts that neither the motorcycle nor the car belong to this petitioner, admittedly, those driving the vehicle were arrested at the spot, he is in custody since 24.08.2024 in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid for the beautification of the campus of Civil Court, West Champaran by Demand Draft of 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-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 sent to the Principal District & Sessions Judge, West Champaran, Bettiah for his perusal and needful.

(Rajiv Roy, J)

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