

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26680 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Jyoti Prakash Singh Son of Awadh Bihari Singh R/O Vill.- Byasi, P.S.- Ballia,
Dist.- Ballia (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Excise P.S. Case No. 13 of 2022 under section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that the
informant of Buxar Excise Police Station received secret
information that a alto car is coming with loaded illegal liquor.
The informant reached at Kharhatad More and started vehicle
checking and in course of the said checking, the alto car was
searched and 142 liters of illegal English wine was



recovered/seized by the police and the driver of the said car was arrested and seizure list was prepared accordingly.

Learned counsel for the petitioner submits that contrary to the allegation in the FIR about him being the driver of the car, on the contrary, he is neither the driver nor owner of the vehicle. He has further and brought attention to para-8 of the bail application to show that the car actually met with an accident and those present in the car had escaped due to the said accident. The petitioner who was going to attend the birthday party happened to be at the wrong place at the wrong time and the police implicated him in this case. He submits that he is in custody since 12.4.2022 (as stated in para-11 of the bail application) despite the fact that he has no criminal antecedent.

Be that as it may, in view of the fact that charge-sheet stands submitted and he is in custody since 12.4.2022 as also the fact that he has no criminal antecedent, as stated in para-3 of the bail application, this Court is inclined to grant him the privilege of bail.

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 Court No. 02, Buxar, in connection with Excise



P.S. Case No. 13 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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