

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40488 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

PRITAM KUMAR @ PRITAN KUMAR Son of Kapildev Prasad @
Kapildev Singh Resident of Village - Dina Chakla, P.S.- Pasraha, District -
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 25.09.2022 in connection with Excise P.S. Case No. 219 of 2022 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018 lodged on 24.9.2022 by the informant Prakash Chandra.

The prosecution story, in brief, is that on 24.09.2022 the informant Inspector Excise Prohibition, alongwith other police officials caught a Honda City Car bearing Registration No. DL-7CF-1608 at N.H. 27 near Belwanama Mahaveer Temple and apprehended the Driver (Petitioner) and one sitting



person. Further during the course of search, 240 liters foreign liquors has been recovered from the alleged car. Thereafter during the course of Interrogations apprehended persons disclosed their name as Pritam Kumar Driver (Petitioner) while other as Arun Kumar and during the course of interrogation again they further disclosed that they were bringing the Foreign liquors by aforesaid Honda City Car. Thereafter the seizure list has been prepared by the Excise police in the presence of the police party itself and put their signature on the seizure list.

Learned counsel for the petitioner submits that recovery/seizure is of 240 liters of foreign liquor from the vehicle.

It is his further case that he is driver and did not know what has been kept between the dickey and the seat of the car for which he has already suffered by being in custody since 25.9.2022 (as stated in para-9 of the bail application).

Learned APP opposes the prayer for bail.

Taking into account the facts of the case as also the period of custody (25.9.2022) and further he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj, in connection with Excise P.S. Case No. 219 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member 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 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 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 his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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