

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50099 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- MAIRWAN District- Siwan

RAHUL KHAN Son of Rasid Khan Resident of village - Niwali, P.s. -
Ramgarh, Distt. - Alwar (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mairwa P.S. Case No. 187 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016 lodged on 20.06.2023 by the informant, Shyam Bahadur Thakur.

As per the prosecution story, the police upon information raided a truck and recovered/seized 5066.640 liters of foreign liquor. The driver was arrested and FIR lodged.

The contention of the learned counsel for the petitioner is that he is a salary paid driver little knowledge about the presence of liquor in the container, who was only carrying goods and got implicated in the case. He is not even a native of this State being a resident of Rajasthan.



Learned APP opposes the prayer for bail.

Considering the aforesaid submission put forward as also that he is in custody since 21.06.2023 (as stated in paragraph-10 of the petition) do not have criminal antecedent and ultimately will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 01, Siwan in connection with Mairwa P.S. Case NO. 187 of 2023 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/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 reason will entail cancellation of his/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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