

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54018 of 2023**

Arising Out of PS. Case No.-217 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Harlal @ Harlal Ram Son Of Mota Ram Resident Of Village - Dherasar, P.S. -  
Chauhattan, Distt. - Barmar (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.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      23-08-2023                      Heard the parties.

The petitioner is in judicial custody in connection with Durgawati P.S. Case No.217 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 05.07.2023 by the informant Rajeev Ranjan Singh.

As per the prosecution story, the police intercepted a container and recovered/seized 2658.60 liters of liquor of different brands. The driver-petitioner was arrested and the FIR lodged.

It is the case of the petitioner that he is a native of Rajasthan, was driving the container, had little knowledge about the presence of the liquor under the cartoons/materials were that kept in it and is in custody since 06.07.2023 (parar-11 of the petition) and further do not have criminal antecedent.

Learned APP opposes the prayer for bail.



Considering the facts on record the submissions put forward by the learned counsel for the petitioner, he do not have criminal antecedent, is in custody since 06.07.2023, he is young person of 23 years, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Durgawati P.S. Case No.217 of 2023 to the satisfaction of learned Special Judge Excise Court No.2 cum ADJ VII, Kaimur at Bhabhua, subject to 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 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 the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan

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