

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57898 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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ABHI ARYA SON OF BALIRAM KUMAR ARYA RESIDENT OF WARD
NO.21, MASAUHRI, P.S. - MASAUHRI, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Spl. Case No. 5791 of 2023 arising out of Excise Masaurhi P.S. Case NO. 383 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act lodged on 21.07.2023 by the informant, Subodh Kumar.

As per the prosecution story, the allegation is that the police intercepted a Maruti-Suzuki Car and recovered 160 liters distilled liquor, this led to the lodging of the FIR and the arrest.

Learned counsel for the petitioner submits that neither he is the owner nor the driver of the car, was moving on the road but has been taken into custody since 22.07.2023.

Learned APP has pointed out that in paragraph- 3 he



has stated that he has no criminal antecedent but in paragraph-5, the submission is that he has been remanded in this case on 22.07.2023 which is contradictory to each other.

The petitioner makes categorical statement that he do not have criminal antecedent and this may be a typographical error.

In view of the fact that the car does not belong to the petitioner nor he is the driver, FIR lodged, will be facing the trial as categorically stated by the learned counsel for the petitioner that he do not have criminal antecedent, is in custody since 22.07.2023, this Court is inclined to extend him the privilege of bail.

However, if it comes to notice that a wrong statement has been made in paragraph-3 of the petition and he do have criminal antecedent, the bail order shall become infructuous.

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 Special Judge Excise, Patna in connection with Spl. Case No. 5791 of 2023 arising out of Excise Masaurhi P.S. Case NO. 383 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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