

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58655 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- GUTHANI District- Siwan

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KRISHNA MALI @ KRISHNA KUMAR SAINI S/O NIRANJAN BHAGAT
@ NIRANJAN MALI R/O VILLAGE- BAL BANGRA, P.S-
DARAUNDHA, DISTT.- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Guthani P.S. Case No. 196 of 2023 for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 02.07.2023 by the informant, Pramod Kumar Tiwary.

3. As per the prosecution story, a four wheeler was intercepted by the Police, the petitioner was driving the vehicle, tried to escape but was apprehended by the Police and 86.400 liters foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither he is the owner nor the driver as claimed by the Police, he was simply a passer-by and the seized material has been thrust upon him, nothing has been recovered from his conscious



possession and is in custody since 03.07.2023 (as stated in paragraph 10 of the petition).

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the learned counsel for the petitioner as also the fact that nothing has been recovered from his conscious possession, is in custody since 03.07.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. I, Siwan, in connection with Guthani P.S. Case No. 196 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 bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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