

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73063 of 2023

Arising Out of PS. Case No.-1637 Year-2023 Thana- Excise P.S. District- Gaya

SHIV KUMAR S/O LATE RAM LAKHAN PRASAD VILLAGE-
JAGATPUR, PS. TELMAR, DIST. NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard Mrs. Vaishnavi Singh, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 1637 of 2023 for the offence punishable under Sections 30(a), 56(b) of the Bihar Prohibition & Excise Amendment Act, 2018 lodged on 15.09.2023 by the informant, Raushan Kumar.

3. As per the prosecution story, Maruti Car was intercepted by the police and 36 liters of foreign liquor as also 55 liters of beer, totalling 91 liters were recovered/seized which followed the FIR and arrest.

4. It is the case of the petitioner that the police has implicated him in this case only because he has criminal antecedent and though the car belongs to him, nothing has been



recovered from his conscious possession and he has already suffered by being in custody since 15.9.2023 (para-13 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the FIR has already been lodged, he is in custody since 15.9.2023, will be facing the trial and no fruitful purpose will be served by putting him in custody for long, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya, in connection with Excise P.S. Case No. 1637 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 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.

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

(Rajiv Roy, J)

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