

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50495 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Jagram, Son Of Late Ramanand, Resident Of Village - Sangwari, P.S. -
Kashola, District - Rewari, Hariyana

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 24-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Buxar(Ind.) P.S. Case No. 104 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Based upon the written report the prosecution alleges that the police in course of vehicle checking intercepted a Swift Desire car, bearing Registration No. UP32GS-4265. In course of checking total 428.76 litres indian made foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner was newly recruited driver of the seized Swift Desire car, was apprehended by the



police while he was going to hand-over certain articles at Gaya on the direction of the owner of the vehicle. It is further contended that being a driver of the vehicle, he was not even aware as to what was kept in a box by the owner of the vehicle. It is also the contention of the petitioner that save and except being driver of the vehicle, he has neither any concern with the alleged seized articles nor with the vehicle in question. That apart, the petitioner is a man of fair antecedent and now he is in custody since 10.05.2024. Learned Advocate for the petitioner also drew the attention of this Court to the infirmities in the search and seizure.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the huge quantity of illicit wine has been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is the driver of the vehicle and is in custody since 10.05.2024 coupled with his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Buxar in connection with Buxar(Ind.) P.S. Case



No. 104 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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