

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61948 of 2024**

Arising Out of PS. Case No.-1453 Year-2024 Thana- Excise P.S. District- Patna

Bishal Kumar, Son of Sanjay Kumar @ Sanjay Prasad, Resident of Village  
-East Bhikha Chak, Chandrabanshi Nagar, P.S.- Gardanibagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      04-09-2024                      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 Patna Excise P.S. Case No.  
1453 of 2024 registered for the offence punishable under  
Sections 30(a) and 56(b) of the Bihar Excise Prohibition Act,  
2016.

3. Based upon the written report the prosecution  
alleges that the police on a tip off trafficking of illicit wine  
intercepted a Tata Sumo vehicle bearing registration no.  
BR01PC5836 and apprehended the petitioner who is said to be  
the driver of the vehicle. On search total 240 litres of beer  
contained in 20 cartons were recovered.



4. Learned Advocate appearing on behalf of the petitioner contended that the narratives made in the FIR clearly suggest that the petitioner was driver of the vehicle, who runs the vehicle on the instruction of the owner. The alleged 20 cartons containing beer, were recovered from the dicky of the car and, in fact, the same was kept by the owner of the vehicle and the petitioner was not even knowing this fact. Moreover, on account of past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case, is the contention of the learned Advocate. Drawing the attention of this Court to the seizure list, it is further contended that though the recovery has been made from a public place, but there is no independent witness to the search and seizure list and, as such, in defiance with the provision of Section 100 of the Code of Criminal Procedure; the petitioner has been incarcerated since 20.06.2024 and now the investigation of the crime is complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner is a driver and now he has been incarcerated since 20.06.2024;



the investigation of the crime is complete and the chargesheet has been submitted, 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 Special Judge Excise-III, Patna in connection with Patna Excise P.S. Case No. 1453 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)**

supratim/-

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