

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69286 of 2024

Arising Out of PS. Case No.-744 Year-2024 Thana- Excise P.S. District- Gaya

1. Nawal kishor singh S/o Mahesh Singh R/O village - Nagma, P.s- Belsar, Distt.-vaishali
2. Ranjay Kumar S/o Nagendra Sahni R/o vill - Supna, P.S. - Saraiya, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioners are in custody in connection with Excise P.S. Case No. 744 and 2024 for the offence punishable under Sections 30(a) & 32 (3) of the Bihar Prohibition and Excise Act lodged on 24.07.2024 by the informant, Anjan Kumar Sah.

3. As per the prosecution story, the informant alleged that during vehicle checking, one pickup van was intercepted and there is/are recovery of 524.160 liters of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are driver and cleaner of the said vehicle, do not have criminal antecedent and had no knowledge of the presence of liquor in between the materials that were kept in it. They have remained in custody since 24.07.2024 (paragraph-14 of the petition) and



further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 10,000/- each (totalling Rs. 20,000/-) with the District Legal Services Authority, Gaya (exclusively for the purchase of journals).

5. Learned APP opposes the prayer for bail submitting that being the driver and cleaner, the responsibility also lies on them.

6. Considering the submissions as also the fact that nothing has been recovered from their conscious possession, FIR is there, will be facing the trial, do not have any criminal antecedent and remained in custody since 24.07.2024, this Court is inclined to extend them the privilege of bail with conditions subject to payment of Rs. 10,000/- each (totalling Rs. 20,000/-) to the District Legal Services Authority, Gaya for the purchase of journals by way of Bank Draft and the receipts have to be submitted before the Trial Court.

7. Let the petitioners 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 Exclusive Excise Court No. 3, Gaya, in connection with Excise P.S. Case No. 744 and 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official



document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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