

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69529 of 2024

Arising Out of PS. Case No.-843 Year-2024 Thana- Excise P.S. District- Purnia

Munna Kumar Mahto Late Chhote Lal Mahto Resident of Shekhpur Chaman
ward no 12 PS- Udakishunganj District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md Fazle Karim, Advocate
	:	Md. Murad Ashraf, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 843 of 2024 for the offence punishable under section 30(a) of Bihar Prohibition and Excise Act, lodged on 18.08.2024 by the informant, Niraj Kumar.

3. As per the prosecution story, the informant alleged that during vehicle checking Pick-Up van was intercepted and 432 liters beer recovered/seized, the driver (petitioner herein was arrested), this followed the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner being the driver had absolutely no knowledge of the beer being present in the vehicle as he assumed that it carries fishes, it was only after the interception that the recovery/seizure was made. He has already suffered by being in custody since



18.08.2024 (paragraph no.12 of the petition), do not have criminal antecedent. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the petitioners on its own would like to contribute Rs.15,000/- to the District Legal Services Authority, Purnea (exclusively for the purchase of journals) through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the 'NAZARAT' of concerned Court.

5. Learned APP opposed the prayer submitting that the recovery is from the vehicle which was being driven by the petitioner.

6. Though allegation is there, recovery is also there, according to the petitioner the vehicle was carrying fish he has little knowledge of the presence of the beer, remained in custody since 18.08.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 15,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Purnea (exclusively for the purchase of journals) by Demand Draft of local State Bank of India and the receipt has to be submitted to the Trial Court.

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 Special Judge (Excise-02), Purnea, in connection with Excise P.S. Case No. 843 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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.

(Rajiv Roy, J)

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