

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70060 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Amresh Kumar S/o Naresh Prasad R/o Village- Nawadih, Ward No.9, P.S.-
Hilsa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the State : Mr. Shyam Kumar Singh, 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 Magadh Medical P.S. Case No. 216 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act and sections 318(4), 338 and 336(3) of the Bharatiya Nyaya Sanhita, lodged on 23.08.2024 by the informant, Ambuj Kumar.

3. As per the prosecution story, the informant alleged that on the basis of secret information, a Scorpio vehicle was intercepted and there is recovery/seizure of 231.37 liters of country made liquor. Accordingly, the F.I.R. and the arrest of the petitioner who was there in the vehicle.

4. Learned counsel for the petitioner submits that he



being a driver had no knowledge that inside the loaded materials, the liquor is present and in that process he is in judicial custody since 24.08.2024 (paragraph no.12 of the petition). The last submission is that he do not have criminal antecedent.

5. Learned APP opposed the prayer submitting that when the vehicle was intercepted he was riding it.

6. Considering the aforesaid facts as also the submissions put forward by the parties, the petitioner is in custody since 24.08.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

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 Special Excise Court No.-04, Gaya, in connection with Magadh Medical P.S. Case No. 216 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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