

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74164 of 2024

Arising Out of PS. Case No.-669 Year-2024 Thana- MASAUDHI District- Patna

Arvind Kumar @ Arbind Prasad Son of Kishori Prasad R/O Vill.- Shekhopur,
Brahmpur, P.S.- Ram Krishna Nagar, Dist.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tejendra Sinha, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Masaurhi P.S. Case No. 669 of 2024 for the offences punishable under Sections 30(a) /32 of the Bihar Prohibition and Excise Act, lodged on 08.08.2024 by the informant, Uttam Kumar Jha.

3. As per the prosecution story, the informant alleged that upon secret information, intercepted Scorpio vehicle and there is recovery/seizure of 416.75 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the vehicle which belongs to Rahul Kumar and Ranjan Kumar, he is the driver having no knowledge what has been kept in the dickey, has no criminal antecedent, has already



suffered by being in custody since 09.08.2024 (para-13 of the petition).

5. Learned APP opposes the prayer submitting that he being the driver cannot be exonerated from the responsibility.

6. Considering the submissions put forward by the parties as also the petitioner has got no criminal antecedent, has remained in custody since 09.08.2024 (para 13 of the petition), this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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) 3rd, Patna in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his 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 month for next 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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