

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71756 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- Excise P.S. District- Bhojpur

Dilip S/o Rajesh R/o Jalalpura, H/No.- A35/170.C.B, P.S.- Sarnath, Varanasi District, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 186 of 2024 for the offence under Section 30(a) of the Bihar Excise and Prohibition Act lodged on 22.08.2024 by the informant, Rajkumar Raja.

3. As per the prosecution story, the informant alleged that upon secret information the Scorpio car was intercepted and 190.080 liters of foreign liquor recovered/seized. This followed the FIR.

4. Learned counsel for the petitioner submits that he has no role to play in it and nor is the vehicle owner, he was passerby but picked up and implicated. Further submission is that he do not have criminal antecedent and is in custody since 23.08.2024 (para-20 of the petition). The last submission is that irrespective of the outcome of the present case and/or accepting



the allegation, the petitioner intends to contribute Rs. 15,000/- to the District Legal Service Authority, Bhojpur, Ara, through Demand Draft issued by the local branch of the State Bank of India (exclusively for the purchase of Journals).

5. Learned APP opposes the prayer for bail submitting that when the Scorpio was intercepted and liquor recovered, the petitioner was also part of the said vehicle.

6. The accusation is there, admittedly, he does not own the Scorpio, is in custody since 23.08.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to the payment mode as undertaken above.

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 Judge Excise Court-II, Bhojpur, Ara, in connection with Excise P.S. Case No. 186 of 2024 subject to the following conditions:

(1) one of the bailor should be the family member/relative 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 the 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 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 bail bond.

(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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