

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73362 of 2024

Arising Out of PS. Case No.-320 Year-2024 Thana- RAJNAGAR District- Madhubani

Wasim Ansari S/O Yasin Ansari R/O Village- Chand Tola, P.S- Rajnagar,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with G.R. No. 1164 of 2024 arising out of Rajnagar P.S. Case No. 320 of 2023 for the offences punishable under Sections 274, 275, 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022, lodged on 19.08.2024 by the informant, Radhakrishna Prasad.

3. As per the prosecution story, the informant alleged that upon information, he reached the place of occurrence and found unloading of 495 litres Nepali Liquor from a pick-up van. The petitioner being owner of the vehicle, arrested and on the basis of recovery/seizure which followed the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner had no knowledge about the presence of liquor, he



had loaded the materials for one Jitendra Mallik realizing that it contains liquor. Despite having no criminal antecedent, he has already suffered by being in custody since 19.08.2024 (para 4 of the petition). His last submission is irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Madhubani (exclusively for the purchase of journals).

5. Learned APP for the State opposes the prayer for bail stating that the petitioner is the owner of the vehicle.

6. Considering the aforesaid submission and also the fact that the petitioner is in custody since 19.08.2024 having no criminal antecedent, F.I.R. has been lodged and he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions, subject to the payments made, as stated 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 Additional District & Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.R. No. 1164 of 2024 arising out of Rajnagar P.S. Case No. 320 of 2023, 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 now 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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