

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73644 of 2024**

Arising Out of PS. Case No.-337 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Jagdish Rai @ Jagdish Ray S/o- Dev Narayan Rai Resident Of Village-  
Pokhraira, Ps- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-10-2024                      Heard the parties.

2. The petitioner is in judicial custody in connection with Kuchaikote P.S. Case No. 337 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 as well as sections 317(5) of BNS, 2023 lodged on 05.08.2024 by the informant, Dilip Kumar.

3. As per the prosecution story, the informant alleged that upon information intercepted Scorpio vehicle and there is recovery/seizure of 397.440 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he had mere taken lift in the said vehicle, had no knowledge about the presence of liquor, he has no criminal antecedent and the vehicle does not belong to him. It is his further submission that



if it comes to notice that the vehicle belongs to him, the relief if granted may become infructuous.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the petitioner has got no criminal antecedent, has remained in custody since 06.08.2024 (para 8 of the petition) and the vehicle does not belong to him, this Court is inclined to extend him the privilege of bail. However, if it is found that contrary to the submission made, if the vehicle belongs to the petitioner, the order shall become infructuous.

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 Additional District & Sessions Judge-IV-Cum-Exclusive Special Excise Court No. II, Gopalganj 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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