

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74171 of 2024**

Arising Out of PS. Case No.-324 Year-2024 Thana- DIDARGANJ District- Patna

Pancha Rai @ Panchanand Rai son of Lagar Rai R/O Sukumarpur Jafrabad  
Tok, Arnibeshinav Barar, PS-Raghopur, District- Vaishali A/P R/O Didarganj  
ward No. 72, PS Didarganj, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kritu Verma, Adv

For the Opposite Party/s : Mrs.Asha Devi, 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 Didarganj P.S. Case No. 324 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 13.09.2024 by the informant, Sujit Kumar Mishra.

3. As per the prosecution story, the informant alleged that during night patrolling/vehicle checking five motorcycles were intercepted. It is alleged that recovery/seizure is in the following manner:-

*(i) Black colour Honda-150 litres  
country made liquor,*

*(ii) Brown colour Honda-150 litres  
country made liquor,*

*(iii) Black colour Honda Shine- 100*



*litres country made liquor,  
(iv) Black colour Hero Splendor- 100  
litres country made liquor, and  
(v) Black colour Hero Splendor- 100  
litres country made liquor, altogether 600  
country made liquor as also five motorcycles  
were recovered/seized.*

4. Learned counsel for the petitioner submits that he does not own either of the five motorcycles, is a tractor driver and has been deliberately implicated in this case only due to the fact he has criminal antecedent.

5. Learned APP opposes the prayer submitting that his name has also come in the FIR.

6. Considering the submissions put forward by the parties as also the petitioner does not own either of the motorcycle, has remained in custody since 15.09.2024 (para 14 of the petition), FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail. However, the trial court shall ascertain whether the petitioner owns either of the motorcycles or nor. If it is found that contrary to the submission made, if any of the motorcycles 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 Exclusive Special Judge, Excise, Patna City 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)**

perwez



|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

