

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73365 of 2024

Arising Out of PS. Case No.-692 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Prince Kumar S/o- Wakil Sah Village- Siyarua , P.s. Ramgarh, District- Kaimur at bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Adv. Mrs. Mukul Kumari, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar, 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. 692 of 2024 arising out of Excise P.S. (Bhabhua) Case No. 692 of 2024 for the offences punishable under Sections 30(a), 32(1), 32(3), 41(1) & 41(2) of the Bihar Prohibition & Excise Amendment Act, 2018, lodged on 05.09.2024 by the informant, Brijkishore Pandit.

3. As per the prosecution story, the informant alleged that during the inspection of vehicle, it has been found that Maruti Suzuki Ritz coming from the Uttar Pradesh side, intercepted and there was recovery/seizure of 108 litres of liquor. The petitioner was driving the car and accordingly arrested. This followed the F.I.R.



4. Learned counsel for the petitioner submits that the petitioner does not own the car but was only driving it. The petitioner has clean antecedent and further had little knowledge about the presence of liquor inside the vehicle.

5. Learned APP for the State opposes the prayer for bail stating that it has not been stated that petitioner is the owner of the vehicle. To this, learned counsel for the petitioner submits that her statement be recorded.

6. Considering the aforesaid facts as also that the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found that the petitioner owns the vehicle, the order shall become infructuous.

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-II, Kaimur at Bhabhua in connection with G.R. No. 692 of 2024 arising out of Excise P.S. (Bhabhua) Case No. 692 of 2024, 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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