

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76888 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- AMAS District- Gaya

Md. Safdar Korasishi @ Safdar Quraishi S/o- Khalil Quraishi @ Md. Khalil Koraishi Vill- Sharma Bazar Bajarkar PS- Barachatti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Ms. Chandani Kumari, Advocate
: Mr. Priya Ranjan, Advocate
For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Ms. Chandani Kumar, learned counsel for

the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Amas P.S. Case No. 293 of 2024 for the offences punishable under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, lodged on 29.08.2024 by the informant, Abhay Kumar.

3. As per the prosecution story, the informant alleged that the police during patrolling intercepted a Tata 407 Pickup Van and recovered/seized 1600 liters of spirit. Accordingly, the F.I.R. and the petitioner who was driving the vehicle arrested.



4. Learned counsel for the petitioner submits that he is a driver, not the owner of the vehicle, is the only bread earner of the family, had no knowledge about the presence of such a huge quantity of the spirit and was going to the destination when intercepted by the police. Further, he do not have criminal antecedent and is in custody since 29.08.2024 (paragraph no.11 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner on its own would like to contribute Rs.25,000/- to the District Legal Services Authority, Gaya (exclusively for the installation of benches in the Civil Court premises) through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer submitting that he was driving the vehicle when interception followed by the seizure.

6. Considering the submissions put forward by the parties as also the fact nothing has been recovered from his conscious possession rather from the vehicle, the driver of the vehicle having no criminal antecedent and is in custody since 29.08.2024, this Court is inclined to extend him the



privilege of bail subject to payment of Rs. 25,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Gaya by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

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 Excise Court No.V, Gaya in connection with Amas P.S. Case No. 293 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 bail bonds.

(Rajiv Roy, J)

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