

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74132 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- Excise P.S. District- Buxar

Md. Halim S/o- Md. Manib Village- Ujiyar, W.No-14, Ps- Narahi Dist- Balia
U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, 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 Buxar Excise P.S. Case No. 288 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 09.09.2024 by the informant, Praveen Kumar.

3. As per the prosecution story, the informant alleged that during the vehicles checking at Buxar round about, a make shift cart was found coming from Uttar Pradesh side and upon intercepting it, 80 liters of country made liquor recovered/seized. Those, present in the cart were arrested, the petitioner was one of them.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, he



was merely following the said cart on the foot but the police on suspicion arrested him. Further, he do not have criminal antecedent.

4. Learned APP opposes the prayer submitting that he was present at the spot when the recovery took place.

5. Taking into account the submission as also the fact that the petitioner do not have criminal antecedent and is in custody since 10.09.2024 (para-1 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Special Excise Court No.2 at Buxar, in connection with Buxar Excise P.S. Case No. 288 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 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 fortnight 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)

Ravi/-

U		T	
---	--	---	--

