

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76276 of 2024

Arising Out of PS. Case No.-280 Year-2024 Thana- Excise P.S. District- Buxar

Hausila Prasad son of Rammurat @ Ram Resident of village- Rausa Jamdara
PS -Sarpathan District- Jaunpur UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel
for the petitioner and Mr. Uma Shankar Pd. Singh, learned APP.

2. The petitioner is in judicial custody in connection with Excise (Buxar) P.S. Case No. 280 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 04.09.2024 by the informant, Pravin Kumar.

3. As per the prosecution story, the informant alleged that the police intercepted a Bolero vehicle and recovered 1153.800 litres of illicit foreign liquor insider the vegetables. The petitioner, who was driving the vehicle, arrested.

4. Learned counsel for the petitioner submits that he was under *bona fide* belief of having carrying the vegetables little realizing that in between liquor has been kept. He has



already suffered by being in custody since 05.09.2024 (para-14 of the petition) only because of criminal antecedent. The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.25,000/- (Twenty five thousand) to the District Legal Services Authority, Buxar, exclusively for the purchase of benches to be installed in the premises of the Civil Court, Buxar.

5. Learned APP opposes the prayer submitting that he has criminal antecedents and he was driving the vehicle when intercepted.

6. Considering the submissions put forward by the parties as also the fact, he being the driver, has remained in custody since 05.09.2024, will be facing the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs.25,000/- (Twenty five thousand) to the District Legal Services Authority, Buxar, exclusively for the purchase of benches to be installed in the premises of the Civil Court, Buxar.

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 Special Judge, Excise Court No.2, Buxar 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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