

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74111 of 2024

Arising Out of PS. Case No.-1448 Year-2024 Thana- Excise P.S. District- East Champaran

Sagar Kumar S/O Prahalad Paswan Resident of Village- Bhaluwahiya, P.S-
Mainatad, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.
Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-10-2024 Heard Mr. Sharad Kumar Verma, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
Excise (Motihari) P.S. Case No. 1448 of 2024 for the offence
punishable under sections 30(a) of the Bihar Prohibition and
Excise Act lodged on 03.09.2024 by the informant, Saddam
Husain Ansari.

3. As per the prosecution story, the informant alleged
that during patrolling, the car was intercepted and from the
dicky, there is recovery/seizure of 135 liter Nepali liquor.
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he
does not own the car and was a mere passenger. Further, he do



not have criminal antecedent, is in custody since 04.09.2024 (para 1 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also that the petitioner does not own the car and he is in custody since 04.09.2024 and further 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 has criminal antecedent, the order shall become infructuous.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Motihari, East Champaran in connection with Excise (Motihari) P.S. Case No. 1448 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/her 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 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)

Vijay Singh/-

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