

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76683 of 2024

Arising Out of PS. Case No.-299 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Pappu Paswan Son of Ramsudhi Paswan Resident of Village- Dighaun, P.S.-
Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Bakhtiarpur P.S. Case No. 299 of 2024 for the offence punishable under sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2022 lodged on 27.06.2024 by the informant, Sudhir Kumar.

3. As per the prosecution story, the informant upon secret information intercepted a six wheeled Hyva Truck and recovered/seized 1773 liter foreign liquor. Accordingly, the arrest/FIR.

4. Learned counsel for the petitioner submits that he had no knowledge of the presence of liquor in the truck, he being the driver and not the owner, was to unload the materials



to a particular destination, has already suffered by being in custody since 28.06.2024 (para 6 of the petition) despite the fact that he do not have criminal antecedent. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs.25,000/- to the District Legal Services Authority, Saharsa for fixing of Benches in the Civil Court Campus.

5. Learned APP, Mr. Tiwary opposes the prayer for bail submitting that when the interception took place, he was driving the truck from which the recovery/seizure took place.

6. Considering the submissions put forward by the parties, the FIR is there, he will be facing the trial, does not own the vehicle, he is in custody since 28.06.2024, have no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 25,000/- to the District Legal Services Authority, Saharsa for the purchase of Benches for the Civil Court Campus, Saharsa.

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 Court of Exclusive Special Excise Judge, Saharsa in connection with



Bakhtiarpur P.S. Case No. 299 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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