

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76767 of 2024

Arising Out of PS. Case No.-347 Year-2024 Thana- RAJAPAKAR District- Vaishali

Md Iliyas S/o Md. Abdul Majid R/o Village- Daudnagar, ward number. 10,
P.S. Bidupur, Dist. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Rajapakar P.S. Case No. 347 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 21.09.2024 by the informant, Arjun Manjhi.

3. As per the prosecution story, the informant alleged that upon secret information, a Santro car was intercepted and there is recovery/seizure of 420 liter wine. Accordingly, the FIR.

4. The case of the petitioner is that he does not own the vehicle rather is a driver. Further, it has been wrongly incorporated in paragraph 8 that he is not the driver. Actually, he was the sole occupant in the car. He was handed over the car to hand it over to a destination little realizing that in its dicky, the liquor is present, he is in custody since 22.09.2024 (para 11 of



the petition) and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Vaishali for the purchase of Benches for the Civil Court Campus of Vaishali Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions as also that he does not own the car nor anything has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs.15,000/- to the District Legal Services Authority, Vaishali for the purchase of Benches for the Civil Court Campus of Vaishali Judgeship through Demand Draft issued by the local branch of the State Bank of India.

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 Judge-II cum Additional District and Sessions Judge- Vaishali, Hajipur in connection with Rajapakar P.S. Case No. 347 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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