

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76865 of 2024

Arising Out of PS. Case No.-2008 Year-2024 Thana- Excise P.S. District- Patna

Abhishek Kumar Son of Late Ashutosh Kumar Resident of mohalla-
Bahadurpur Gumati, Road no.- 13A, Rajendra Nagar Patna, P.S.- Bahadurpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the State : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 2008 of 2024 for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, lodged on 25.08.2024 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that upon information that Innova Car is moving with liquor, it was intercepted and there is recovery/seizure of 293.760 liters of foreign liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he does not own the car and have only taken lift for which stands implicated. Further, he do not have criminal antecedent and the



last submission is that without accepting the allegation an/or the outcome of the present petition, learned counsel for the petitioner submits that they are ready to pay Rs. 20,000/- to the Chief Minister's Relief Fund.

5. Learned APP for the State opposes the prayer submitting that the recovery/seizure is from the Innova in which he was sitting.

6. Taking into account the submissions put forward by the parties as also the fact that the car does not belong to him, he was a mere passenger, has no criminal antecedent, is in custody since 26.08.2024 (paragraph no.4 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- to the Chief Minister's Relief Fund.

7. 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 Judge, Excise Court-III, Patna in connection with Excise P.S. Case No. 2008 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 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 one year to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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