

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76928 of 2024

Arising Out of PS. Case No.-857 Year-2024 Thana- Excise P.S. District- Gaya

Umesh Kumar Son of Arjun Sharma Resident of Tekari Road, Chhotki Delha,
PS- Delha District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Opposite Party/s : Mrs.Meena Singh, 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 Gaya Case No. 857 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 25.08.2024 by the informant, Rampriti Kumar.

3. As per the prosecution story, the informant alleged that the public bus was intercepted and there is recovery/seizure 54.03 liters of foreign liquor and as the bus conductor informed that this belongs to the petitioner, implicated, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession but only because the conductor put the vehicle towards him, implicated. He has already suffered by being in custody since



26.08.2024 (para-15 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery/seizure has been made from the bus and according to the conductor it belongs to the petitioner.

6. Taking into account the aforesaid submission as also the fact that the recovery/seizure is not from his conscious possession, he has no criminal antecedent and is in custody since 26.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Exclusive Special Excise Court No.3, Gaya, in connection with Excise P.S. Case Gaya Case No. 857 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 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 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)

Ravi/-

U		T	
---	--	---	--

