

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77550 of 2024**

Arising Out of PS. Case No.-558 Year-2024 Thana- Excise P.S. District- Siwan

Vishal Kumar Singh Son of Awadhesh Kumar singh Resident Of Village
Musehari, P.S- Jamo Bazar, Distt.- Siwan Petitioner/s
Versus
The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Learned counsel for the petitioner prays for and is
allowed to file supplementary affidavit for deleting para-13 of
the petition.

2. Heard the parties.

3. The petitioner is in judicial custody in connection
with Siwan Excise P.S. Case No. 558 of 2024 for the offence
punishable under Sections 30(a), 32(3) of the Bihar
Prohibition and Excise Act lodged on 17.09.2024 by the
informant, Sweata Kumari.

4. As per the prosecution story, the informant alleged
that in course of vehicle checking, a Scorpio was intercepted
and recovered/seized 457.920 liters of foreign liquor which
followed the arrest and the FIR.

5. It is the case of the petitioner that the owner gave
him the car to present it before another place little realizing that
the car has liquor. Further, he was forced to confess the crime



which found incorporated in the FIR and no such knowledge was there to the petitioner. Learned counsel submits that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner is ready to contribute Rs.10,000/- to the District Legal Services Authority, Siwan for purchase of books through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP Mr. Bharat Bhushan opposes the prayer submitting that he has confessed to the crime in the FIR.

7. Allegation is there, FIR has been lodged, the petitioner will face the trial, he does not own the vehicle, nothing has been recovered from his conscious possession though there is confession in the petition, considering the fact that he is in custody since 18.09.2024 (para-6 of the petition) and is not the owner of the Scorpio, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as stated above.

8. 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 Judge-II, Siwan, in connection with Siwan Excise P.S. Case No. 558 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 one year 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)

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