

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78386 of 2024

Arising Out of PS. Case No.-687 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Shivraj Keshari @ Shiv Raj Keshari son of Sri Rajkumar Keshari village- Chopan, Ps- Chopan Dist- Sonbhadra Up
2. Rakesh Kumar son of Sri vimal Kumar village- Amdaha, Ps- Naugadh, Dist- Chandauli

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024

Heard the parties.

2. The petitioners are in custody in connection with Excise (Bhabua) P.S. Case No. 687 of 2024 for the offence punishable under sections 30(a), 32(I) & (3) and 41 (1) & (2) of the Bihar Prohibition and Excise Act lodged on 04.09.2024 by the informant, Bhola Prasad Chaurasiya.

3. As per the prosecution story, the Police upon secret information, intercepted a Swift Dezire car and from it, 151.260 liters of foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that while the petitioner no. 2 is a driver, petitioner no. 1 is the passenger, they had no knowledge about the presence of the



liquor, both do not have any criminal antecedent and are in custody since 05.09.2024 (paragraph-11 of the petition).

5. Learned APP opposes the prayer for bail submitting that being the driver, he must have the knowledge of presence of liquor in the vehicle.

6. Though allegations are there, both the petitioners do not own the vehicle, are in custody since 05.09.2024, have no criminal antecedent, FIR lodged and they will be facing the trial, this Court is inclined to extend them the privilege of bail with conditions.

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 Spl. Judge, Ex-II, Kaimur at Bhabua and/or other transferred Court, in connection with Excise (Bhabua) P.S. Case No. 687 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)

Adnan/-

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