

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76891 of 2024

Arising Out of PS. Case No.-592 Year-2024 Thana- Excise P.S. District- Siwan

SUBHASH RAY S/O BALESHWAR RAY RESIDENT OF VILLAGE-
SABALPUR, NEWAL TOLA, POLICE STATION-SONEPUR, DISTRICT-
SARAN

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sadar Siwan Excise P. S. Case No- 592/2024 offence punishable under Sections 30 (a)/32 (3) of the Bihar Prohibition & Excise Act-2016 and Amendment Act 2022 lodged on 29.09.2024 by the informant, Sweata Kumari.

3. As per the prosecution story, the police upon information, apprehended a pick-up van and recovered/seized 302.400 liters of foreign liquor. Accordingly, the seizure and the FIR.

4. Learned counsel for the petitioner submits that the pick-up van does not belong to him. He had no knowledge about the presence of the liquor, is in custody since 30.09.2024 having



no criminal antecedent.

5. Learned APP opposes the prayer submitting that he was driving the vehicle when the recovery/seizure was made.

6. Having heard the parties, the FIR is there, is a student and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 Exclusive Special Judge Excise-II, Siwan, in connection with Sadar Siwan Excise P. S. Case No- 592/2024 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)

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