

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78151 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- UPHARA District- Aurangabad

Deb Nandan Sav S/o Late Jaypal Sav R/o village- Koilawan, P.S. Haspura,
Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Uphara P.S. Case No. 107 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 08.09.2024 by the informant, Sanjeet Kumar.

3. As per the prosecution story, Police upon patrolling, intercepted a tempo and from it, 125 liters of country made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the tempo, was a driver little realizing that the person sitting behind has left some articles for which he has already suffered by being in custody since 08.09.2024 (paragraph-12 of the petition).

5. Learned APP opposes the prayer for bail submitting



that he being the driver cannot exonerate himself from the responsibility.

6. Considering the submissions put forwarded by the parties as also the fact that he has remained in custody since 08.09.2024, have no criminal antecedent and an undertaking has been given that he shall be diligently appearing in trial, 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 Special Judge, Excise Court No. 2, Aurangabad, Bihar, in connection with Uphara P.S. Case No. 107 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)

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