

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80191 of 2024

Arising Out of PS. Case No.-547 Year-2024 Thana- Excise P.S. District- Siwan

Neeraj Kumar Singh @ D.M. Kumar Singh @ Niraj Kumar Singh S/O
Rabindra Singh R/O Village- Sumerpur, P.S.-Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Urmila Kumari, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard Ms. Urmila Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Siwan Excise P.S. Case No. 547 of 2024 for the offence punishable under sections Section 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 11.09.2024 by the informant, Shweta Kumari.

3. As per the prosecution story, the informant alleged that on secret information, intercepted a Honda car and upon search, 440.640 liters of foreign liquor was recovered/seized. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he does not own the vehicle, is a mere driver, little realizing about the presence of the liquor on the passenger seat. Further, only because of criminal antecedent, got implicated, is in custody since 12.09.2024 (paragraph-4 of the petition) and the last submission is that without accepting the allegation and/or the



outcome of the present case, the petitioner intends to contribute Rs. 20,000/- to the District Legal Services Authority, Siwan for beautification of the Civil Court Campus of Siwan Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forwarded by the parties as also the fact that he does not own the Honda car, nothing has been recovered from his conscious possession and he is in custody since 12.09.2024, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Siwan for the beautification of the Civil Court Campus of Siwan Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the fixation of the benches shall be submitted to the trial Court by the DLSA, Siwan.

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 Special Excise Court-II, Siwan, in connection with Siwan Excise P.S. Case No. 547 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.

8. Let the order be communicated to the Principal District and Sessions Judge, Siwan for his perusal and to do the needful.

(Rajiv Roy, J)

Adnan/-

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