

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80303 of 2024

Arising Out of PS. Case No.-2128 Year-2024 Thana- Excise P.S. District- Patna

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Dipu Kharwar Son of Ramdarash Ram @Ramdarash Rai Village- Nagpur P
S- Rasra (Raska) District -Baliya at present at Gardanibagh Ward No. 16
Jhoparpatti P S- Gardanibagh District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the State : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 2128 of 2024 for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, lodged on 09.09.2024 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, the Police intercepted a Fiat Car and there is recovery/seizure is of 420 liters of country made liquor. This led to the F.I.R. and the arrest.

4. Learned counsel for the petitioner submits that the car belongs to Sonu Kumar, he is a driver having little knowledge about the presence of the liquor it it, has already



suffered by being in custody since 10.09.2024 (paragraph no.11 of the petition) having no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that he does not own the vehicle and is in custody since 10.09.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail.

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.-3, Patna in connection with Excise P.S. Case No. 2128 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 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 now 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 bail bonds.

(Rajiv Roy, J)

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