

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78447 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- BARHARIA District- Siwan

Abhishek Kumar S/o Bachcha Prasad R/o Village- Satwar, P.S.- Barharia,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Barharia P.S. Case No. 308 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 05.07.2024 by the informant, Meghnath Chaudhary.

3. As per the prosecution story, the informant alleged that upon secret information, a tractor was intercepted and there is recovery/seizure of 1339.200 litres of foreign liquor. The petitioner being driver of the vehicle was arrested. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the tractor, was taking the vehicle to the destination little realizing that the said vehicle has been loaded



with liquor, for which he has already suffered by being in custody since 09.09.2024 (para-15 of the petition) despite having no criminal antecedent. The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.20,000/- (Twenty thousand) to the District Legal Services Authority, Siwan, for installation of benches in the Civil Court campus, Siwan.

5. Learned APP opposes the prayer submitting that he was driving the tractor from where seizure/recovery has been made.

6. Considering the submissions put forward by the parties as also the fact that he has no criminal antecedent, and does not own the tractor, has remained in custody since 09.09.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 20,000/- (Twenty thousand) to the District Legal Services Authority, Siwan, for installation of benches in the Civil Court campus, Siwan

7. Let the petitioner, above named, 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 Court No.1, Siwan in connection with aforesaid P.S. Case subject to the following



conditions:

(i) one of the bailors should be the family member 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 month 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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