

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78532 of 2024

Arising Out of PS. Case No.-581 Year-2024 Thana- HILSA District- Nalanda

Pankaj Kumar Son of Lalbahadur Paswan Resident of Village- Jafarabad,
P.S.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh, Adv.
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Hilsa P.S. Case No. 581 of 2024 for the offences punishable under Sections 30(a), 32, 36, 41(a) of the Bihar Prohibition and Excise Act, lodged on 15.09.2024 by the informant, Ramnath Ram.

3. As per the prosecution story, the informant alleged that upon secret information, an auto-rickshaw was intercepted and there is recovery/seizure of 50 litres of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is the driver of the vehicle and not the owner, has no knowledge about the presence of liquor and is in custody since 15.09.2024 (para-9 of the petition).

5. Learned APP opposes the prayer submitting that he



being the driver cannot escape from his responsibility.

6. Taking into account the submissions put forward by the parties as also fact that he does not own the vehicle, he is the driver of the vehicle, 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, 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 ADJ- 5th cum- Excise Court Bihar Sharif 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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