

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79551 of 2024

Arising Out of PS. Case No.-1348 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Rajmangal Kumar S/O Shiv Balak Ray Resident of Village - Aadam Chhapra,
P.S - Ahiyapur, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Ahiyarpur P.S. Case No. 1348 of 2024 for the offence punishable under sections 317(5) of the Bharatiya Nyaya Sanhita and Section 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 01.10.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, on the NH-57, upon information, a pick-up van was intercepted and there recovery/seizure of 737.640 liters of foreign liquor from one pick-up van while 662.760 liters from another totalling 1400.400 liters of foreign liquor. Though some managed to escape, the petitioner was one among the accused who were arrested on 02.10.2024 (paragraph-4 of the petition). This led to



the FIR.

4. Learned counsel for the petitioner submits that he does not own either of the vehicles and further, merely because he was in the vehicle, arrested 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, Muzaffarpur for fixing the Benches in the Civil Court Campus of Muzaffarpur Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he has been arrested from the spot.

6. Taking into account the submission put forwarded by the parties as also the fact that the petitioner does not own either of the vehicles, is in custody since 02.10.2024 and have no criminal antecedent, 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, Muzaffarpur for the fixation of Benches for the Civil Court Campus of Muzaffarpur 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, Muzaffarpur.

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 Exclusive Special Judge, Excise-1, Muzaffarpur, in connection with Ahiyarpur P.S. Case No. 1348 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)

Adnan/-

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