

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78451 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- Excise P.S. District- Buxar

Jamir Sah S/O Mosibul Sah @ Mosibul Shah R/O Village- kodiya Raipur,
Ward No.2, P.S- Nanpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, 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 Buxar Excise P.S. Case No. 287 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 09.09.2024 by the informant, Surendra Kumar Chaudhary.

3. As per the prosecution story, the informant alleged that while patrolling an auto-rickshaw was intercepted and there is recovery/seizure of 208.80 litres of English wine. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is the driver of the vehicle and not the owner and is in custody since 10.09.2024 (para-7 of the petition).

5. Learned APP opposes the prayer submitting that it has not been disclosed whether the petitioner owns the said



vehicle or not.

6. Taking into account the aforesaid facts as also that he claims to be 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. However, if it is found that he owns the vehicle, the order shall become infructuous.

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.2, Buxar 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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