

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79531 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- DURAULI District- Siwan

Chhote Lal Sah Son of Bidya Sah @ Vidhya Sah Resident of Village -
Gularbaga urf Kusum Bathua, P.S. - Fulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Darauli P.S. Case No. 288 of 2024 for the offences punishable under Sections 30(a)/41(1) of the Bihar Prohibition and Excise Act, lodged on 13.09.2024 by the informant, Raushan Kumar.

3. As per the prosecution story, the informant alleged that during course of vehicle checking, a Scorpio vehicle was intercepted and there is recovery/seizure of 440.640 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the car does not belong to him, he being the driver has no knowledge of the presence of liquor for which he has already



suffered by being in custody since 14.09.2024 (para-10 of the petition) 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.

6. Considering the submissions put forward by the parties as also the fact that the car does not belong to him, he is a driver, has no criminal antecedent, has remained in custody since 14.09.2024, 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. A receipt thereof, is to be submitted before the learned trial court, 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 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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