

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79478 of 2024

Arising Out of PS. Case No.-1001 Year-2024 Thana- Excise P.S. District- Gaya

Krishna Kumar Son of Arun Kumar Resident of Mohalla- Naya Tola Samima,
P.S.- Athmalgola, Distt.- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra,Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2024 Heard Mr. Akash Kumar Mishra, learned counsel
for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Excise P.S. (Gaya) Case No. 1001 of 2024 for the offences punishable under Sections 30(a)/32(c) of the Bihar Prohibition and Excise Act, lodged on 25.09.2024 by the informant, Vijay Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, an *i20* car was intercepted and there is recovery/seizure of 72 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the said 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 26.09.2024 (para-13 of the



petition) having no criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the said car, he is a driver, has no criminal antecedent, has remained in custody since 26.09.2024, 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 Exclusive Excise Court No.3, Gaya 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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