

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80296 of 2024

Arising Out of PS. Case No.-1037 Year-2024 Thana- Excise P.S. District- Gaya

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1. Ajit Kumar S/o- Shri Bhushan Prasad village- Aliyachak PS-Kako District- Jehanabad
 2. Piyush Partiyay S/o- Birendra Kumar @ Virendra Kumar Village- Mahadev Bigha Ps- Paras Bigha Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Gaya Excise P.S. Case No. 1037 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 05.10.2024 by the informant, Dilip Kumar.

3. As per the prosecution story, the information alleged that upon information intercepted a Swift Dzire Car and there is recovered/seized 120 liters of foreign liquor, this led to the F.I.R.

4. Learned counsel for the petitioners submit that he is not the owner of the vehicle, was mere passenger, implicated. Further, he has no criminal antecedent and is in custody since 06.10.2024 (paragraph no.9 of the petition). The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs.10,000/- each totaling



Rs.20,000/- to the District Legal Services Authority, Gaya for the beautification of Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that the petitioners are young persons, student, in custody since 06.10.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail subject to payment of Rs.10,000/- each totaling Rs.20,000/- to the District Legal Services Authority, Gaya for the beautification of the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the same shall be submitted to the Trial Court by the DLSA, Gaya.

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 Excise Court-No.-3, Gaya in connection with Gaya Excise P.S. Case No. 1037 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 *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court 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 next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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