

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80185 of 2024

Arising Out of PS. Case No.-795 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Harendra Kumar Singh Son of Late Ramadhar Singh Resident of Village
-Bheriya, PS- Dehri, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 795 of 2024 for the offence punishable under sections 30(a), 32(i) and 32(ii) of the Bihar Prohibition and Excise Act lodged on 15.10.2024 by the informant, Alka Verma.

3. As per the prosecution story, the informant alleged that upon secret information, intercepted a Hyundai Creta car and upon search, 171.50 liters of liquor was recovered. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that only because he possesses the said vehicle, implicated. He had no knowledge of presence of liquor, nothing has been recovered from his conscious possession, is in custody since 15.10.2024 (paragraph-4 of the petition), has no criminal antecedent and the last submission is that without accepting the allegation and/or



the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Kaimur for the fixation of benches/beautification of the Civil Court Campus of Kaimur at Bhabhua Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forwarded by the parties as also the fact that nothing has been recovered from his conscious possession, do not have any criminal antecedent and is in custody since 15.10.2024, 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, Kaimur for the fixation of benches/beautification of the Civil Court Campus of Kaimur at Bhabhua Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase shall be submitted to the trial Court by the DLSA, Kaimur.

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 Spl Judge, Ex. II Kaimur at Bhabhua, in connection with Excise P.S. Case No. 795 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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