

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81089 of 2024**

Arising Out of PS. Case No.-164 Year-2024 Thana- LAUKAHI District- Madhubani

Laxman Yadav @ Lakshman Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard Mr. Pankaj Kumar Jha, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
Laukahi P.S. Case No. 164 of 2024 for the offence punishable
under sections 274, 275 and 3(5) of the Bharatiya Nyaya
Sanhita and Section 30(a) of the Bihar Prohibition and Excise
Act lodged on 10.09.2024 by the informant, Sanjeet Ram.

3. As per the prosecution story, Police upon
patrolling and upon secret information, intercepted one Scorpio
Vehicle and there is recovery/seizure of 720 liters of foreign
liquor. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that the



petitioner being the driver had no knowledge about the presence of the materials loaded and has remained in custody since 09.09.2024 having no criminal antecedent. Further, he do not have any criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- for the installation of Steel Benches between Krishna Ghat, Patna and NIT Ghat, Patna through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he was driving the vehicle.

6. Taking into account the submissions put forwarded by the parties as also that he is the driver, remained in custody since 09.09.2024 having no criminal antecedent and an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- by the petitioner for the purchase of Steel Benches between Krishna Ghat, Patna and NIT Ghat, Patna through Demand Draft issued by the local branch of the State Bank of India in favour of the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Bankipur and the receipt of the purchases have to be



submitted to the learned Trial Court.

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 Special Judge, Excise Act, Jhanjharpur, in connection with Laukahi P.S. Case No. 164 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.

8. List under the heading ‘To be Mentioned’ on
10.01.2025 to see the report submitted by the P.M.C.

(Rajiv Roy, J)

Adnan/-

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