

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81012 of 2024

Arising Out of PS. Case No.-655 Year-2024 Thana- Excise P.S. District- Gopalganj

Abhishek Kumar Singh S/o- Shambhu Singh Resident of Vill- Manikpur P.S-
Gopalganj Town Dist-Gopalganj Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shobhna Shreya, Adv.
Mr. Umesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard Ms. Shobhna Shreya, learned counsel for the
petitioner and Mr. Mohammad Sufyan, learned APP.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 655 of 2024 for the offences punishable under Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, lodged on 22.08.2024 by the informant, Roshni Kumari.

3. As per the prosecution story, the informant, a Police Officer with Excise Police Station, Gopalganj lodged the FIR alleging that upon secret information, an Alto Car was intercepted and there is recovery/seizure of 23.985 litres of foreign liquor. The petitioner was taken into custody as there is complete prohibition of liquor in the State of Bihar which followed the FIR.

4. Learned counsel for the petitioner submits that he does not own the said car nor is a driver, had taken the lift, those



present in the car escaped but the police made him scapegoat only because he had criminal antecedent. If granted bail, he shall be diligently appearing in the trial and shall not indulge in any such activity, failing which the State shall be free to take steps for cancellation of his bail bond. The petitioner has remained in custody since 23.08.2024 (para-16 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.10,000/- (Ten thousand) out of which Rs. 5000/- may go to Ms. Roshni Kumari, the informant and rest 5000/- be distributed amongst the team members, namely, Md. Dildar Ansari, Golu Kumar, Chandan Kumar, Aradhya Kumari and others

5. Learned APP opposes the prayer submitting that the petitioner, while being taken to the custody, threatened the police of dire consequences and as such, he does not deserve bail.

6. This Court finds force in the submissions of the learned APP. Not only the petitioner has criminal antecedent, while being arrested, he threatened the police of dire consequences which shows that he has no regard for the law of the land.



7. However, considering that he is in custody since 23.08.2024, an assurance has been given that he shall not indulge in such activity again, will diligently appear in the trial, does not own the car nor is a driver, in that background, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- (Ten thousand) through Demand Draft issued by the local State Bank of India of which Rs. 5000/- shall go to Ms. Roshni Kumari, the informant and rest 5000/- will be distributed amongst the team members, namely, Md. Dildar Ansari, Golu Kumar, Chandan Kumar, Aradhya Kumari and others. The Draft has to be submitted to the Trial court, Gopalganj. The Trial court which in turn shall transfer the amount to Police Officials through Excise Police Station, Gopalganj.

8. It is made clear that if the petitioner is found indulged in any such activity and/or in any way comes near the informant and/or any Police Official or does anything wrong, immediate step shall be taken for the cancellation of his bail bond.

9. 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



Additional Sessions Judge-IV-cum-Exclusive Special Judge,
Excise Court No.II, Gopalganj in connection with aforesaid P.S.

Case subject to the following conditions:

(i) both of the bailors 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 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 one year 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.

10. This Court would like to put on record its word of appreciation for Ms. Shobhna Shreya for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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