

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79238 of 2024

Arising Out of PS. Case No.-616 Year-2024 Thana- Excise P.S. District- Bhagalpur

Mahesh Kumar Das Son of Vijay Das R/O- Amarpur , Ward No. 13 , P.S.
Godda ,District Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise (Naugachia) P.S. Case No. 616 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, lodged on 29.08.2024 by the informant, Pintu Kumar.

3. As per the prosecution story, the police upon secret information, raided a Magic pick-up van and recovered 544.620 liters foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that though he was caught on the spot, does not own the vehicle, it was handed over to him by one Aftab Alam and was not aware about presence of liquor in it. He has remained in custody since 01.09.2024 (para-6 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. 15,000/- to the District Legal Service Authority, exclusively for the fixation of Benches for the Civil Court Campus of Naugachia Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he was caught on the spot.

6. Taking into account the submissions put forwarded by the parties as also the fact that he do not have criminal antecedent, is in custody since 01.09.2024 and the vehicle does not belong to him, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 15,000/- to the District Legal Service Authority, Naugachia, for the fixation of Benches for the Civil Court Campus of Naugachia through Demand Draft issued by the local branch of the State Bank of India and the receipt of the fixation of the benches shall be submitted to the trial Court by the DLSA, Naugachia.

7. Let the petitioner 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 Special Excise Judge-I, Bhagalpur, in connection with Excise



(Naugachia) P.S. Case No. 616 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 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 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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