

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80817 of 2024

Arising Out of PS. Case No.-306 Year-2024 Thana- Excise P.S. District- Buxar

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1. Vishal Kumar Son of Shivji Singh Resident of village- Mahadevganj, P.S.- Nawanagar, District- Buxar
 2. Sanjiv Kumar Panday @ Sanjiv Kumar Son of Vijay Kumar Pandey R/O Vill.- Neema, P.S.- Chowri, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024 Heard Mr. A.K. Pradhan, learned counsel for the petitioners and Mr. Sayed Mojibur Rahman, learned APP for the State.

2. The petitioners are in custody in connection with Excise (Buxar) P.S. Case No. 306 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 27.09.2024 by the informant, Surendra Chaudhary.

3. As per the prosecution story, during vehicle checking, 396 liters of foreign liquor of different brand were recovered/seized in the animal food and the driver/cleaner (petitioners herein) were arrested. This led to the FIR.

4. Learned counsel for the petitioners submits that



both are driver/cleaner, were carrying the animal food, have no knowledge about the presence of liquor, they don't owned the vehicle and don't have criminal antecedent but have suffered by being custody since 28.09.2024 (para-14 of the petition). Further, the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intends to contribute Rs.10,000/- each (totaling Rs.20,000/-) to the District Legal Services Authority, Buxar for fixation of steel Benches in the Civil Court Campus of Buxar through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that the vehicle carrying animal food was also having foreign liquor in it and the petitioners being the driver and the cleaner cannot exonerate from the allegation.

6. Taking into account the aforesaid facts as also that they owned the vehicle, it was carrying animal food in between which the liquor has been recovered, having no criminal antecedent and are in custody 28.09.2024, this Court is inclined to extend them the privilege of bail subject to payment of Rs.10,000/- by each petitioner (totaling Rs.20,000/-) to the District Legal Services Authority Buxar, for fixation of Benches for the Civil Court Campus of Buxar 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 DLSA, Buxar.

7. Let the petitioners 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 Special Judge, Excise Court No.2, Buxar in connection with Excise (Buxar) P.S. Case No. 306 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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 bail bonds.

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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