

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79154 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- MAKER District- Saran

Chhotu Kumar Son of Late Nagina Rai Resident of Village-Mahuwa, P.S-
Mahuwa, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-11-2024 Heard Mr. Aditya Pandey, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Maker P.S. Case No. 216 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise Act
lodged on 15.08.2024 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the informant alleged
that in course of checking, the pick-up van was intercepted, tried
to escape but apprehended, there is recovery/seizure of 792 liter
foreign liquor, which led to the FIR.

4. Learned counsel for the petitioner submits that he is
the driver not the owner, had no knowledge about the presence
of the foreign liquor, is a young boy, has remained in custody
since 16.08.2024 (para 12 of the petition).

5. Further, 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, Vaishali for the fixation of Benches for the Civil Court Campus of Vaishali Judgeship through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer for bail submitting that upon interception, there is recovery/seizure of foreign liquor.

7. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent and he is only nineteen years of age, is in custody since 16.08.2024, 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, Vaishali for the fixation of Benches for the Civil Court Campus, Vaishali. After the fixation of benches, the purchase receipt has to be submitted before the concerned Trial Court by the District Legal Services Authority, Vaishali.

8. 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 Exclusive Special Excise No. - III, Saran at Chapra in connection with Maker P.S. Case No. 216 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)

Vijay Singh/-

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