

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79565 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- MAKER District- Saran

Ashish S/o Prem Singh R/o Village- Badholi, P.S.- Bahalgarh, Dist.- Sonipat
(Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Maker P.S. Case No. 224 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.08.2024 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, two four wheeler cars were intercepted and upon search, 84.375 liters of foreign liquor was recovered/seized from the Swift Desire and 135 liters foreign from the Tata Nexon. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he was passenger of Tata Nexon, having no knowledge about the presence of liquor in it, does not own the vehicle and is in custody since 24.08.2024 (paragraph-16 of the petition), having



no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he was present in one of the car.

6. Considering the submissions put forwarded by the parties as also the fact that the petitioner does not own the car, is in custody since 24.08.2024 and have no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 3rd, Exclusive Special Excise Judge, Saran at Chapra, in connection with Maker P.S. Case No. 224 of 2024 subject to the following conditions:

(i) one of the bailor should be the native of Bihar 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)

Adnan/-

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