

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79930 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- Excise P.S. District- Begusarai

Md. Azad S/O Late Md. Taslim@ Late Mohammad Taslim Resident of
Village Hardiya, P.S- Muffasil ,District Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Advocate
For the State : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 326 of 2024 for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, lodged on 22.09.2024 by the informant, Rakesh Prakash.

3. As per the prosecution story, the informant a bus was intercepted and there is recovery/seizure of 13.5 liters and 18 liters of foreign liquor from its dickey which belong to Pavitri Devi and Sita Devi and nine bags were recovered from the roof top of the bus thus total 162 liters of foreign liquor recovered/seized. Those apprehended confessed that both the driver and conductor take extra money for transportation of liquor, this led to the F.I.R.



4. Learned counsel for the petitioner submits that he is/was a mere passenger, the driver of the bus to save his scheme, named him which led to his arrest, do not have criminal antecedent and he is in custody since 23.09.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that the recovery is from the bus not from his conscious possession, from the F.I.R. itself it shows that the driver and conductor were also part of the said transportation of liquor, the name of the petitioner has come in the statement of the driver, he is in custody since 23.09.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail.

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, Court II, Begusarai, in connection with Excise P.S. Case No. 326 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 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 now 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 bail bonds.

(Rajiv Roy, J)

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