

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79159 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- Kachna District- Katihar

Subodh Singh Son of Late Kishun Singh @ Kishundeo Singh Resident of
Village - Udama Rekha Sirnia, P.S. - Katihar Muffasil, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Kachna P.S. Case No. 33 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 06.09.2024 by the informant, Deepnarayan Paswan.

3. As per the prosecution story, the informant alleged that upon information, it intercepted three vehicles and recovery/seizure is/are made in the following manner:

(i) black Scorpio- 9 liter foreign liquor;

(ii) grey colour XUV 500 – 279 liter foreign liquor

and;

(iii) white Scorpio – 342 liters foreign liquor.

4. Thus, the total recovery/seizure is 630 liter foreign



liquor, which led to the present case.

5. Learned counsel for the petitioner submits that vehicle was taken by his neighbor, he being the owner, had no role to play in the matter but only because the registration of the white Scorpio stands in his name, implicated.

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

7. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

8. Considering the submissions put forward by the parties as also the fact that he is the owner, was not present at the time of interception of the vehicle, nothing has been recovered from his conscious possession, he is in custody since 09.09.2024 (para 13 of the petition), 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, Katihar for the fixation of Benches for the Civil Court Campus, Katihar. After the fixation of benches, the purchase receipt has



to be submitted before the concerned Trial Court by the District Legal Services Authority, Katihar.

9. 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 Additional District and Sessions Judge, Exclusive Special Excise Court No. II, Katihar in connection with Kachna P.S. Case No. 33 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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