

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80187 of 2024

Arising Out of PS. Case No.-944 Year-2024 Thana- Excise P.S. District- Aurangabad

Md. Sarfaraz Son of Md. Maqbul Resident of Village - Wazidpur, P.S. -
Mufassil, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Aurangabad Excise P.S. Case No. 944 of 2024 for the offence punishable under sections 30(a) and 32(3) Bihar Prohibition and Excise Act lodged on 20.09.2024 by the informant, Sakaldev Kumar Tanti.

3. As per the prosecution story, the informant alleged that upon secret information, a tempo was intercepted and upon search, 115.38 liters of country-made liquor was recovered/seized. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he does not own the vehicle, is a mere driver, had no knowledge about the presence of liquor on the passenger seat, have no criminal antecedent and is in custody since 21.09.2024



(paragraph-12 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forwarded by the parties as also that he is the driver, do not have any criminal antecedent and is in custody since 21.09.2024, 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 Special Judge, Excise Judge, Excise-II, Aurangabad, Bihar, in connection with Aurangabad Excise P.S. Case No. 944 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)

Adnan/-

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