

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80759 of 2024

Arising Out of PS. Case No.-690 Year-2024 Thana- Excise P.S. District- Nawada

Suraj Kumar Son of Satyendra Prasad @ Satyendra Kumar Village- Surju
Bigha, PS- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard the parties.

2. The petitioner is in custody in connection with
Excise P.S. Case No. 690 of 2024 for the offence punishable
under sections 30(a) and 47 of the Bihar Prohibition and Excise
Act lodged on 03.10.2024 by the informant, Niranjan Kumar.

3. As per the prosecution story, the Police upon secret
information, intercepted a Scorpio coming from Nawada and
upon search, 252 liters of foreign liquor recovered/seized.
Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he
does not own the Scorpio, is a driver and have no knowledge
about the presence of liquor, is in custody since 04.10.2024
(paragraph-13 of the petition) and the last submission is that
without accepting the allegation and/or the outcome of the
present case, he intends to contribute Rs. 10,000/- to the District



Legal Services Authority, Nawada for the purchase of steel Benches in the Civil Court Campus of Nawada Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail.

6. Having gone through the facts of the case as also the submissions of the parties, though antecedent is there against the petitioner, he does not owns the vehicle, has remained in custody since 04.10.2024 and have further undertaken that if he is implicated in any other such case, this bail bond be cancelled by the prosecution side, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Nawada for the purchase of Steel Benches in the Civil Court Campus of Nawada Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase shall be submitted to the trial Court by the DLSA, Nawada.

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 Exclusive Special Court, Excise-2, Nawada, in connection with Excise P.S.



Case No. 690 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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