

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80870 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- SRIPUR District- Gopalganj

Shiv Kumar S/O Late Ramchandra Ray R/O Village- Akabarpur, P.S-
Bhagwanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sripur P.S. Case No. 178 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 20.09.2024 by the informant, Pappu Kumar.

3. As per the prosecution story, the informant alleged in course of checking of the vehicle, a XUV car was intercepted and 92.8 liters of foreign liquor recovered/seized from it. Accordingly, the FIR and the arrest.

4. It is the case of the petitioner that he does not own the vehicle, was a mere passenger and got implicated. Further, he do not have criminal antecedent and is in custody since 21.09.2024 (para-5 of the petition).



5. Learned APP opposes the prayer submitting that his name has also come the alleged recovery/seizure of the liquor.

6. Considering the aforesaid submission put forward by the parties as also the fact that he does not own the vehicle, is in custody since 21.09.2024 having 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) with two sureties of like amount each to the satisfaction of learned Additional Sessions-XIII cum Special Judge Excise-I, Gopalganj, in connection with Sripur P.S. Case No. 178 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 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 next 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)

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