

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81217 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- Excise P.S. District- Bhojpur

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1. Gulab Khan Son of Mokeem Khan Village- Noor Masjid Faisalabad PS -Kotwali Nagar, Dist- Bulandshahar Up
 2. Faisal Son of Mukhtiyar Ahmad @ Mukhtiyar village- Bhawan Shastri Park, Ps- Kotwali nagar, Dist- Bulandshahar (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 211 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 01.10.2024 by the informant, Ravi Kumar.

3. As per the prosecution story, the informant alleged that during patrolling and upon suspicion, intercepted a Hyundai Car and there is recovery/seizure of 215.280 liters of foreign liquor, this led to the F.I.R./arrest.

4. Learned counsel for the petitioner submits that the car does not belong to the petitioner, only had taken the lift for which had already suffered by being in custody since



02.10.2024 (paragraph no.14) having no criminal antecedent. 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, Bhojpur for the purchase of Steel Benches for the Civil Court Campus of Ara Judgeship through Demand Draft issued by the local bank of the State Bank of India.

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 petitioner do not have criminal antecedent nor he owns the car, is in custody since 02.10.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Bhojpur by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

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 Judge Excise, Excise Court No.-II, Bhojpur, Ara, in connection with Excise P.S. Case No. 211 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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