

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80004 of 2024

Arising Out of PS. Case No.-513 Year-2024 Thana- ARARIA District- Araria

Sumrit Lal Basak @ Sumrit Son Of Brij Mohan Basak Resident Of Village -
Soofi Tola, Dohra, P.S. - Bahadurganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushaduzzoha, Advocate
For the State : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Araria P.S. Case No. 513 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 02.10.2024 by the informant, Visheshwar Paswan.

3. As per the prosecution story, the police intercepted a bus and there is recovery/seizure 108 liters of foreign liquor from from the said vehicle, this led to the F.I.R.

4. Learned counsel for the petitioner submits that the driver and conductor implicated him, he is a labour, has no criminal antecedent and is in custody since 03.10.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer



submitting that the alleged recovery is below from his seat.

6. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent and the recovery is from the bus not from his conscious possession, he is in custody since 03.10.2024, this Court is inclined to extend him the privilege of bail.

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-1, Araria, in connection with Araria P.S. Case No. 513 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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