

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80827 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- Excise P.S. District- Vaishali

Md. Sahjad Son of Md. Halim Village -Daudnagar Madaripur ward no 10, PS
-Bidupur District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupa Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024 Heard Mr. Yugal Kishore, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is in custody in connection with
Excise P.S. Case No. 164 of 2024 for the offence under Section
30(a) of the Bihar Prohibition and Excise Act lodged on
19.1.2024 by the informant, Shambhu Mishra.

3. As per the prosecution story, the police on
information, intercepted a Bolero vehicle and there is
recovery/seizure of 330 liters of country made liquor which led
to the F.I.R.

4. Learned counsel for the petitioner submits that he is
not the owner of the Bolero vehicle, is a driver and had no
knowledge about the presence of liquor. He being the only bread
earner, has already suffered by being in custody since



20.10.2024 (para-4 of the petition) only because he has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Considering the submission put forwarded by the parties as also that he is in custody since 20.10.2024 and the Bolero vehicle does not belong to him, in that background, 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 Exclusive Special Excise Court-2-Cum- Additional District Judge, Vaishali at Hajipur in connection with Excise P.S. Case No. 164 of 2024 subject to the following conditions:

(1) 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 the 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 bail bond.

(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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