

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82224 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- MAKER District- Saran

Abhishek Patel Son of Bhola Patel Resident of Village - Donepur, P.S. -
Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Adv.
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in custody in connection with
Maker P.S. Case No. 211 of 2024 for the offence punishable
under Section 30(a) of the Bihar Prohibition & Excise Act, 2018
lodged on 08.08.2024 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the police during
patrolling, intercepted an auto and recovered/seized 71.1 litres
of foreign liquor, which led to the arrest of the petitioner
following the F.I.R.

4. Learned counsel for the petitioner submits that the
petitioner being the driver-cum-owner, had no knowledge that a
bag is present and the passenger has left the same, having no
criminal antecedent and is in custody since 09.08.2024.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid fact as also the submission put for the parties, as also that the petitioner has no criminal antecedent, having been in custody since 09.08.2024, 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) each with two sureties of like amount each to the satisfaction of learned 3rd Special Judge, Excise Court, Saran at Chapra, in connection with Maker 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 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.)

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