

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82771 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- Excise P.S. District- Madhubani

Md. Salman Son of Md. Ali Akbar Resident of village- Yogiya, P.S.-
Ladaniya, District- Madhuabani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Madhubani Excise Sadar P.S. Case No. 221 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 18.08.2024 by the informant, Dharendra Prasad Shrivastava.

3. As per the prosecution story, the police during patrolling intercepted a Scorpio and there is recovery/seizure of 630 liter foreign wine. This led to the FIR, arrest.

4. It is the case of the petitioner that he has no concern with the liquor or the Scorpio, only because of taking lift, has come into custody. Further, he has no criminal antecedent and is in custody since 19.08.2024 (para 12 of the petition). The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 25,000/- for the installation of Steel Benches between Kadam Ghat, Patna to NIT Ghat, Patna through Demand Draft issued by



the local Branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that though he is not the owner, was present when the recovery took place.

6. Considering the submissions put forward by the parties as also the fact that he do not have criminal antecedent and is in custody since 19.08.2024, FIR lodged, ultimately will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions Subject to payment of Rs. 25,000/- by the petitioner for the purchase of Steel Benches between Kadam Ghat, Patna and NIT Ghat, Patna through Demand Draft issued by the local branch of the State Bank of India in favour of the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Bankipur and the receipt of the purchases have to be submitted to the learned Trial Court.

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 Addl. Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Madhubani Excise Sadar P.S. Case No. 221 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/her 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.

8. List this case under the heading 'To Be Mentioned' to get a report from the Executive Officer on 06.01.2025 at 02.15 P.M.

(Rajiv Roy, J)

Vijay Singh/-

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