

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84252 of 2024

Arising Out of PS. Case No.-1050 Year-2024 Thana- Excise P.S. District- Gaya

Ajay Kumar Son of Mahendra Sao @ Mahendra Saw Resident of Village -
Manikpur, P.S. - Kurtha, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 1050 of 2024 for the offence punishable under Sections 30(a) & 32(c) of the Bihar Prohibition and Excise Act lodged on 07.10.2024 by the informant, Nutan Kumari.

3. As per the prosecution story, during patrolling, the informant intercepted a Tata Magic vehicle and there is recovery/seizure of 108 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he being the driver cum owner had no knowledge about the material loaded in it, only because of criminal antecedent, got implicated and is in custody since 08.10.2024. Further,



irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Gaya for the installation of steel benches/beautification of the Civil Court Campus, Gaya through Demand Draft issued by the local branch of the State Bank of India.

4. Learned APP opposes the prayer.

5. Considering the aforesaid facts as also the submission of the parties and taking into account that he is in custody since 08.10.2024, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail subject to the payment Rs.10,000/- to the District Legal Services Authority, Gaya for the installation of steel benches/beautification of the Civil Court Campus, Gaya through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

6. 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 Excise Court No.3, Gaya, in connection with Excise P.S. Case No. 1050 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 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 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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