

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82741 of 2024

Arising Out of PS. Case No.-377 Year-2024 Thana- TARAIYA District- Saran

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Pankaj Kumar Singh S/o Ramadhar Singh Resident of Village- Narkatia
Bazar, P.S- Uchkagaon, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saurabh Kumar, Advocate
	:	Ms. Swarnima, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Taraiya P.S. Case No. 377 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.09.2024 by the informant, Appu Kumar.

3. As per the prosecution story, the informant alleged that during the course of patrolling, upon secret information, intercepted a XUV-500 car and there is recovery/seizure of 345.600 liters of foreign liquor. This led to the F.I.R. and arrest of the petitioner.

4. Learned counsel for the petitioner submits that he is neither the driver nor the owner, was a passerby but in the said



melee, got implicated, for which he has already suffered by being in custody since 23.09.2024, has no criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs.20,000/- to the District Legal Services Authority, Saran at Chapra for the purchase of Steel Benches and putting up flower pots for the Civil Court Campus of Chapra, Saran Judgeship 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.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner is not the owner of the vehicle and has no criminal antecedent and is in custody since 23.09.2024, F.I.R. lodged, will have to face the music, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Saran at Chapra by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court at the time of execution of



bail bond.

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 court of 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Taraiya P.S. Case No. 377 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.

8. This Court would like to put its word of appreciation for Ms. Swarnima for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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