

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83677 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- KISHANPUR District- Supaul

Tarachandra Das Son of Late Sadanand Das Resident of Village - Matiyari
Das Tola, P.S.- Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Shadab Alam Wazdi, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard Mr. Shadab Alam Wazdi, learned counsel for
the petitioner and Mr. Akshay Lal Pandit, representing the State.

2. The petitioner is in judicial custody in connection with Excise Sessions Trial No. 931 of 2024 arising out of Kishanpur P.S. Case No. 256 of 2024 for the offence punishable under Sections 30(a), 45 of the Bihar Prohibition and Excise Act and 109 of BNS Act lodged on 09.10.2024 by the informant, Nagmani Madhukar.

3. As per the prosecution story, the Police has to chase the Scorpio Car going from Bhaptiyahi towards Supaul. As the car failed to stop despite signaling it, the Police chased and only after the tyres of the vehicle burst, stopped. The Police vehicle was also damaged in collision causing injury to a Sub-Inspector, Mr. Sonal Kumar. Those in the car were Naveen



Kumar and Shiva Kumar and upon search, there is recovery/seizure of 2700 bottles of 300 ml foreign liquor totalling 810 liters which led to the FIR.

4. Learned counsel for the petitioner submits that he being the owner, was not present in the vehicle and had no knowledge about the Driver carrying liquor in the vehicle but only because the car belongs to him, he has to suffer by being in jail since 30.10.2024. Further, he do not have criminal antecedent. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the injured, Sub Inspector, Sonal Kumar and Rs. 40,000/- to the District Legal Services Authority, Supaul for the beautification of Civil Court Campus, Supaul through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer he being the owner of the car cannot exonerate himself from the allegation.

6. Taking into account the aforesaid facts/submissions put forward by the parties as also that the petitioner despite the owner was not present in the car, nothing has been recovered from his conscious possession, is in custody since 30.10.2024 having no criminal antecedent, this Court is inclined to extend



him the privilege of bail subject to payment of Rs. 50,000/-, out of which, Rs. 10,000/- will go to the Sub-Inspector, Sonal Kumar while the rest of Rs. 40,000/- to the District Legal Services Authority, Supaul for the beautification of Civil Court Campus, Supaul submitted through the Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenses made, 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 Special Excise Judge-1st, Supaul, in connection with Excise Sessions Trial No. 931 of 2024 arising out of Kishanpur P.S. Case No. 256 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)

Ravi/-

U		T	
---	--	---	--

