

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84129 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- KHAJAULI District- Madhubani

Shambhu Kumar Singh Son of Shivjee Singh @ shivji singh R/o village
-Aurhi ward no . 1 , p.s. - Babubarhi , District – Madhubani... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.
Mr.Ravi Prakash, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-12-2024 Heard Mr. Gagandeo Yadav, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Khajauli P.S. Case No. 194 of 2024 for the offences punishable under Sections 273, 274, 3(5) of BNS and 30(a) of the Bihar Prohibition and Excise Act, lodged on 06.09.2024 by the informant, Muneshwar Pd. Gupta.

3. As per the prosecution story, the informant alleged that during patrolling and upon information, a Scorpio vehicle was intercepted and there is recovery/seizure of 630 litres of Nepali liquor which led to the FIR/arrest.

4. It is the case of the petitioner that one Kesri Nandan is the owner of the said vehicle, he being the driver had no knowledge about the presence of the liquor, he has no criminal antecedent, is in custody since 06.09.2024 (para-4 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation, he



intends to pay Rs.20,000/- (Twenty thousand) to the District Legal Services Authority, Madhubani, for installation of steel benches/beautification in the Civil Court campus, Madhubani.

5. Learned APP opposes the prayer submitting that he was driving the vehicle when it was intercepted and recovery made.

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the vehicle, has not criminal antecedent and is in custody since 06.09.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 20,000/- (Twenty thousand) through Bank draft issued by the local State Bank of India to the District Legal Services Authority, Madhubani, for installation of steel benches/beatification in the Civil Court campus, Madhubani. A receipt thereof has to be submitted before the Trial court, Madhubani.

7. Let the petitioner, above named, 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 Additional Sessions Judge-II-Cum- Special Judge, Excise Act, Madhubani in connection with aforesaid P.S. Case subject to the following conditions:



(i) one of the bailors 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 month 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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