

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84202 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- DAUDPUR District- Saran

Seraj Hussain Son of Mo. Shakil @ Md. Shakil Resident of Village-
Maharajganj, P.S.- Chapra Muffasil, Distt.- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

2. The petitioner is in custody in connection with
Daudpur P.S. Case No. 215 of 2024 for the offence punishable
under sections 30(a), 32(2), 32(3), 36, 41(1) and 41(2) of the
Bihar Prohibition and Excise Act lodged on 25.09.2024 by the
informant, Ashok Tikhri.

3. As per the prosecution story, the informant alleged
that upon secret information, a truck was intercepted and upon
search, recovered/seized 834.480 liters of English wine which led
to the FIR/arrest.

4. Learned counsel for the petitioner submits that he
does not own the vehicle and being the driver had no knowledge
about the presence of liquor in the materials loaded in the truck,
he has already suffered by being in custody since 26.09.2024



having 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 for the purchase of Steel Benches for the Civil Court Campus of Saran at Chapra Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forwarded by the parties as also that he does not own the vehicle, have no criminal antecedent and is in custody since 26.09.2024, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Saran for the purchase of Steel Benches for the Civil Court Campus of Saran at Chapra Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Saran.

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 1st Exclusive Special Excise Court, Saran at Chapra, in connection with Daudpur P.S. Case No. 215 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.

(Rajiv Roy, J)

Adnan/-

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