

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84268 of 2024

Arising Out of PS. Case No.-321 Year-2024 Thana- Excise P.S. District- Buxar

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Dhiraj Kumar Son of Ram Suchit Singh @ Ram Suchit Yadav Resident of
Village- Pratapsagar, P.S.- Dumraon, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

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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 Buxar Excise P.S. Case No. 321 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 16.10.2024 by the informant, Sunny Kumar.

3. As per the prosecution story, the informant alleged that during vehicle checking, intercepted a motorcycle and there is recovery/seizure of 32.100 liters of foreign liquor which followed the FIR/arrest.

4. Learned counsel for the petitioner submits that he does not own the motorcycle and nothing has been recovered/seized from his conscious possession. Further, upon refusal to become witness for the alleged recovery, he has



falsely been implicated in the present case. He is in custody since 17.10.2024.

5. Learned APP opposes the prayer.

6. Considering the aforesaid facts as also the submission that the petitioner does not own the motorcycle, nothing has been recovered from his conscious possession, is in custody since 17.10.2024, this Court is inclined to extend him the privilege of bail with conditions.

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 Exclusive Special Excise Court No.2, Buxar, in connection with Buxar Excise P.S. Case No. 321 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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