

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83783 of 2024

Arising Out of PS. Case No.-1788 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Dhiraj Kumar Son of Saroj Paswan Resident of Village- Raksa, P.S.- Karja,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 1788 of 2024 for the offence punishable under sections 30(a) , 30(c), 30(d), 32(3), 36 of Bihar Prohibition and Excise Act lodged on 03.10.2024 by the informant, Manoj Kumar.

3. As per the prosecution story, the informant alleged that the police upon information, went to the house. The gate was closed, upon knocking, this petitioner opened and during the search, 210+40 liters of illicit liquor, 152 liter foreign liquor besides RO Machine of water, equipment for making liquor, empty bottles and rapper was/were recovered. Accordingly, the FIR.

4. It is the case of the petitioner that he being the



house guard, had no knowledge about the presence of liquor inside the house, has no criminal antecedent and is in custody since 04.10.2024 and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- for the beautification of the Civil Court Campus, Muzaffarpur through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that it was he who was present when the search was made.

6. Taking into account the aforesaid facts as also that the petitioner is the guard, has no criminal antecedent, is in custody since 04.10.2024, this Court is inclined to extend him the privilege of bail with conditions Subject to payment of Rs. 20,000/- by the petitioner for the beautification of the Civil Court Campus, Muzaffarpur through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchases have to be submitted to the learned Trial Court.

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 Special Judge, Excise) Court No. II, Muzaffarpur in connection with Excise



P.S. Case No. 1788 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)

Vijay Singh/-

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