

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84223 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- DAWATH District- Rohtas

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Ajay Kumar S/O Dharikshan Ray Resident of Village - Dharmpur, P.S.-
Meenapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and the State.

2. The petitioner is in judicial custody in connection with Dawath P.S. Case No. 345 of 2024 for the offence punishable under Sections 30(a), 32(i) (ii)/41 of the Bihar Prohibition and Excise Act lodged on 26.10.2024 by the informant, Amarjeet Prasad.

3. As per the prosecution story, the informant alleged that during patrolling, a Nissan Datsun Car was intercepted and there is recovery/seizure of 118.14 liters of foreign liquor which led to the FIR.

4. It is the case of the petitioner that he being the passenger and not owner or the driver had no knowledge about the presence of the liquor and got implicated without having



criminal antecedent. He is in custody since 27.10.2024 and further irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Rohtas at Sasaram for the fixation of steel benches/beautification of the Civil Court Campus, Rohtas at Sasaram through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submissions as also the fact that the petitioner neither owns the vehicle nor is the driver, has no criminal antecedent and is in custody since 27.10.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Rohtas at Sasaram for the fixation of steel benches/beautification of the Civil Court Campus, Rohtas at Sasaram through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

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 Judge, Excise Court No.1, Rohtas at Sasaram, in



connection with Dawath P.S. Case No. 345 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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