

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84753 of 2024**

Arising Out of PS. Case No.-843 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Pawan Son of Satish Kumar Resident of village- Vio Kharman @ VTC
Kharman PS- Bahadurgarh, District -Jhajjar (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with P.R. Case No. 843 of 2024 in connection with Prohibition and Excise (Bhabhua) P.S. Case No. 843 of 2024 for the offence punishable under Sections 30(a), 32(i) & (3), 41(1) & (2) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 02.11.2024 by the informant, Bhola Prasad Chaurasiya.

3. As per the prosecution story, the Police on information intercepted a Hyundai Venue Car and there is recovery/seizure of 261 liters of foreign liquor. This led to the FIR/arrest.

4. It is the case of the petitioner that he being the driver and not owner had no knowledge about the presence of liquor, do not have any criminal antecedent and is in custody since 02.11.2024. The last submission is that irrespective of the outcome



of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.15,000/- to the District Legal Services Authority, Kaimur at Bhabhua for the fixation of steel Benches/beautification of the Civil Court Campus, Kaimur at Bhabhua through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he was driving the Car when the alleged recovery took place.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that the petitioner does not own the car nor has criminal antecedent, is in custody since 02.11.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs.15,000/- to the District Legal Services Authority, Kaimur at Bhabhua for the fixation of steel Benches/beautification of the Civil Court Campus, Kaimur at Bhabhua 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 Special Judge Excise-II, Kaimur at Bhabhua/other transferee court, in connection with P.R. Case No. 843 of 2024 in connection with Prohibition and Excise



(Bhabhua) P.S. Case No. 843 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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