

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80214 of 2024

Arising Out of PS. Case No.-333 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Vashist Yadav S/o Sri Ganesh Yadav R/o vill - Pirpainti Khanpur, PS -
Pirpainti, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Simri Bakhtiarpur P.S. Case No. 333 of 2024 for the offence punishable under sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act lodged on 22.07.2024 by the informant, Ajay Kumar Paswan.

3. As per the prosecution story, the informant alleged that during the patrolling, one of the trucks was intercepted and there is recovery of 2016 liters of foreign liquor which led to the arrest/FIR.

4. Learned counsel for the petitioner submits that he does not own the vehicle, is a Driver of the truck having no knowledge of the presence of liquor in the vehicle, is in custody



since 23.07.2024 (paragraph-1 of the petition) having no criminal antecedent, the cleaner of the vehicle namely, Pramod Yadav has been extended relief in Cr. Misc. No. 79585 of 2024 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, Saharsa for the purchase of Benches/beautification of the Civil Court Campus of Saharsa Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that he being the driver cannot escape responsibility and further, the charges have been framed.

6. Learned counsel for the petitioner submits that if granted bail, he shall be diligently appearing in trial and failure to do so, the Court can take appropriate steps for cancellation of his bail bond.

7. Considering the submissions put forwarded by the parties as also the fact that this petitioner is the driver, has no criminal antecedent, is in custody since 23.07.2024 and the cleaner of the vehicle has been extended relief, as stated above, in that background, 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, Saharsa for the



purchase of Benches/beautification of the Civil Court Campus of Saharsa Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase of the benches/beautification of the Civil Court Campus shall be submitted to the trial Court by the DLSA, Saharsa.

8. 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 Exclusive Special Excise Judge, Saharsa, in connection with Simri Bakhtiarpur P.S. Case No. 333 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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