

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80571 of 2024

Arising Out of PS. Case No.-692 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Salman Miyan Son of Shakir Miyan Resident of village- Ahinaura, PS-
Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with G.R. No. 692 of 2024 arising out of Excise P.S. (Bhabhua) Case No. 692 of 2024 for the offences punishable under Sections 30(a), 32(1), 32(3), 4(1) & 4(2) of the Bihar Prohibition & Excise Amendment Act, 2018, lodged on 05.09.2024 by the informant, Brijkishore Pandit.

3. As per the prosecution story, the informant alleged that during the inspection of vehicle, Maruti Suzuki Ritz coming from the Uttar Pradesh side was intercepted and there was recovery/seizure of 108 litres of liquor. This followed the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner does not own the car. The petitioner has clean



antecedent and further had little knowledge about the presence of liquor inside the vehicle. Lastly, co-accused Prince Kumar has been granted bail Cr. Misc. No. 73365 of 2024.

5. Learned counsel for the petitioner submits that he was sitting beside the driver and do not own the car. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to the Executive officer, Patna Municipal Corporation, Bankipur Circle, Patna through Demand Draft issued by the local Branch of the State Bank of India for fixation of the steel grill near the newly constructed washrooms of the Kadam Ghat under Patna University area to block the movement of motorcycle on the ghat.

6. Learned APP opposes the prayer for bail submitting that nowhere in the petition it has been recorded that he does not own the car.

7. After hearing the parties, though it is a fact that the petitioner has chosen to evade the statement whether the car belongs to him or not, considering that he has remained in custody since 06.09.2024 (paragraph 6 of the petition), do not have criminal antecedent, Prince Kumar has been granted relief in Cr. Misc. No. 73365 of 2024, in that background, this



Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- by the petitioner for the fixation of the steel grill near the newly constructed washrooms of the Kadam Ghat under Patna University area to block the movement of motorcycle on the ghat through Demand Draft issued by the local branch of the State Bank of India in favour of the Executive Officer, Patna Municipal Corporation, Bankipur Circle and the receipt has to be submitted to the learned Trial Court.

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 Judge Excise Court No.-2, Kaimur at Bhabua in connection with G.R. No. 692 of 2024 arising out of Excise P.S. (Bhabhua) Case No. 692 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.

8. Let the matter come up on 24.02.2025 under the heading ‘To Be Mentioned’ when Mr. Jitendra Kumar Singh will be providing the report regarding the fixation of the grill.

(Rajiv Roy, J)

Vijay Singh/-

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