

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85246 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- PARWALPUR District- Nalanda

Nageshwar Kumar @ Aayush Yadav S/O Ramdeo Yadav R/O Village- Karma,
P.S- Mayurhand, Distt.- Chatra, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Parwalpur P.S. Case No. 161 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 07.10.2024 by the informant, Pappu Kumar Singh.

3. As per the prosecution story, the informant alleged that during secret information and patrolling, two vehicles were intercepted, Tata Zest and Pick Up Van and altogether there is recovery of 847.44 liters of foreign liquor. This led to the FIR and arrest.

4. Learned counsel for the petitioner submits that the petitioner is neither the owner of either of the said two vehicles, nor had he any knowledge about the presence of liquor, is in custody since 08.10.2024. Similarly situated co-accused persons, namely, Praveen Kumar and Krishna Kumar have been



granted relief in Cr. Misc. Nos. 83718 and 83868 of 2024 respectively. 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, Nalanda for the installation of music system in the Civil Court Campus, Nalanda 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 facts as also the submissions put forward by the parties that he does not own the vehicles, was a mere passenger/driver had no knowledge about the liquor, this Court is inclined to extend him the privilege of bail subject to payment of Rs. Rs.15,000/- to the District Legal Services Authority, Nalanda for the installation of music system in the Civil Court Campus, Nalanda through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenses made 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 ADJ-IV cum Exclusive Special Excise-2, Bihar Sharif, Nalanda, in



connection with Parwalpur P.S. Case No. 161 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 a copy of this order be communicated to the learned Principal District & Sessions Judge, Bihar Sharif, Nalanda.

(Rajiv Roy, J)

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