

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84872 of 2024

Arising Out of PS. Case No.-558 Year-2024 Thana- Excise P.S. District- Siwan

Vivek Singh @ Vivek Kumar Singh S/o Vijay Bahadur Singh R/o Village-
Sagra, P.S.- Nautan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-03-2025 Heard Mrs. Kumari Anupam, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his in connection with Siwan Excise P.S. Case No. 558 of 2024 for the offence punishable under sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, lodged on 17.09.2024 by the informant, Sweta Kumari.

3. As per the prosecution story, the informant alleged that in course of vehicle checking, a Scorpio was intercepted and recovered/seized 457.920 liters of foreign liquor, which followed the arrest and the FIR.

4. Learned counsel for the petitioner submits that the vehicle does not belong to him nor he has criminal antecedent, his name has come in the confessional statement of Vishal Kumar Singh, which led to implication. If granted bail, he shall be diligently appearing in Trial and the last submission is that the petitioner is ready to contribute Rs. 10, 000/- to the District



Legal Services Authority, Siwan for the beautification of Civil Court Campus through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that his name has come in the confessional statement.

6. Considering the aforesaid facts as also that he has no criminal antecedent nor he is owner of the vehicle, his name has come in the confessional statement and an undertaking has been given that he shall be diligently appearing in Trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Siwan for the beautification of Civil Court Campus through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the learned Trial Court.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II, Siwan in connection with Excise P.S. Case No. 558 of 2024 subject to condition as laid down under



Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 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;

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Siwan for perusal and needful.

(Rajiv Roy, J)

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