

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85647 of 2024

Arising Out of PS. Case No.-2099 Year-2024 Thana- Excise P.S. District- Patna

Niraj Kumar Son of Shri Dilip Prasad Village- Diwan Mohalla (City Court)
PS -Khajekala Patna City District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Patna Excise P.S. Case No. 2099 of 2024 for the offence punishable under sections 30(a) and 56(b) of Bihar Prohibition & Excise Act 2016 lodged on 04.09.2024 by the informant, Ajit Kumar.

3. As per the prosecution story, the police during patrolling, intercepted two vehicles and from Maruti Brezza, there is recovery of 207.570 liters foreign liquor whereas from Maruti Swift, 86.400 foreign liquor, this led to the FIR, arrest.

4. Learned counsel for the petitioner submits that he was driving the Maruti Brezza, had no knowledge about the presence of the liquor in the car, he has remained in custody since 05.09.2024 (para 4 of the petition) and further has no



criminal antecedent. Last submission is that a similarly situated co-accused, Manjay Kumar has been granted bail in Cr. Misc. No. 78410 of 2024.

5. Learned APP opposes the prayer for bail submitting that the petitioner was driving the Brezza car when it was intercepted and recovery has been made.

6. Considering the submissions put forward by the parties as also the fact that he is not the owner of the car, has no criminal antecedent, FIR lodged, he will be facing the trial, is in custody since 05.09.2024 and a similarly situated co-accused, as stated above, has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Special Judge Excise 3rd, Patna in connection with Patna Excise P.S. Case No. 2099 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)

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