

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8038 of 2019

Arising Out of P.S. Case No.-85 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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MUNNA KUMAR (aged about 25 years, Gender-Male), Son of Indradeo Yadav At present resident of Village - South Dhanwar, P.S.- Dhanwar, District- Giridih (Jharkhand). At permanent Resident of Village - Jankidih Beldariya, Mananpur, P.S.- Chanan, District- Lakhisarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Jee, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 18.11.2018 in connection with Excise Case No.85C2/2018 for the offence alleged under Sections 30(a), 32, 41, 56(a) and 56(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case as lodged by the Excise Officials is that during course of vehicle checking they intercepted a *Mahindra* Bolero Pick-up van on suspicion. While the owner and the driver named in the FIR managed to flee away, but the petitioner who was a *Khalasi*, was apprehended. On search from the pick-up van, 270 literes of foreign Indian



made whisky was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and was just a *Khalasi* of the said pick-up van and had no inkling that illicit liquor was being carried in the van. Petitioner further undertakes not to induce witnesses or tamper with the evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Excise Case No.85C2/2018 to the satisfaction of learned Additional District & Sessions Judge-2nd-cum-Special Judge, Excise, Lakhisarai, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

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(Nilu Agrawal, J)

