

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5430 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- JALE District- Darbhanga

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KISHAN KUMAR SAH @ KRISHNA KUMAR SAH S/o Dukhi Sahu R/o
Village- Belwara, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey
For the Opposite Party/s : Mr. J. N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 14-05-2020 The proceeding has been conducted through video conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Section 120B of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by the Amendment Act 8 of 2018 (hereinafter referred to as ‘the Act’).

The prosecution case, as per self statement of Dilip Kumar Pathak, S.I. of Police-cum-S.H.O., Jale Police Station, recorded on 18.10.2019 is to the effect that on the same day at 3.30 A.M. during patrolling on suspicion, a car and two motorcycle were intercepted, leading to recovery of 162 litres of Indian Made Foreign Liquor from the alleged car. The petitioner is alleged to



be the driver of the alleged car, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the illicit liquor being kept in the vehicle in question. The investigation has already been concluded and the petitioner is languishing in custody since 18.10.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner was driving the vehicle from which recovery has been made and he is named in the FIR. It is further submitted that though statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, but paragraph no. 14 of the case diary reflects that the petitioner is absconder in Keuti P.S. Case No. 123 of 2019, registered under Section 307 of the IPC and Section 27 of the Arms Act.

Considering the fact the petitioner has made a false statement in paragraph no.3 that the petitioner is not having any criminal antecedent, though paragraph no.14 of the case diary reflects that the petitioner is absconder in one other case, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is



rejected in connection with Jalley P.S. Case No. 173 of 2019,
pending in the Court of learned A.D.J.-II-cum-Special Judge,
Excise, Darbhanga with liberty to the petitioner to renew the
prayer after proper instruction.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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