

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22062 of 2022**

Arising Out of PS. Case No.-148 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Naresh Kumar, Son Of Ram Chandra Mahto, R/O Village- Hanuman Nagar,  
P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sumit Shekhar Pandey, advocate  
For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      05-08-2022                                      Heard learned counsel for the petitioner and  
learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gaighat P.S. Case No. 148 of 2019 registered for the alleged offences under Sections 30(a), 38 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the villagers gave information about a vehicle loaded with illicit liquor which they had surrounded and on search of the said vehicle, 14.25 litres of India made foreign liquor was recovered along with 35 litres of toddy. The petitioner is stated to be the driver of the vehicle,



who fled away from the spot.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing has been recovered from his possession. For the reason that the petitioner is the driver of the vehicle in question, he could not be said to be associated with the trade of illicit liquor. There is nothing on record to show the involvement of this petitioner in the alleged recovery. The petitioner has got no criminal antecedent and he is in custody since 02.03.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and nothing incriminating has been shown to be recovered from his conscious possession and further considering his clean antecedent and submission of charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise court No.1, Muzaffarpur, Bihar in connection with Gaighat P.S. Case No. 148 of 2019, subject to the conditions mentioned in Section 437



(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be Kajal Kumari, wife of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Rajnish/-

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