

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23057 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- VIJAYEPUR District- Gopalganj

TINKU KUMAR Son of Prabhu Sah @ Prabhunath Sah Resident of Village -
Fakhruddinpur, P.s.- G.B.Nagar Tarwara, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

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 virtual court proceeding.

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 Vijaipur P.S. Case No. 31 of 2022 registered for the alleged offences under Section 414 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, on the basis of information received by the police, a jeep was intercepted and the driver of the said vehicle was apprehended when he tried to run away. Besides the driver, two persons were sitting in the jeep. From



the said jeep 245.790 liters of India made foreign liquor was recovered. Petitioner is stated to be the driver of the jeep.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has no knowledge about liquor kept in the vehicle which was concealed in a box at the back side of the jeep. It is apparent from the FIR that nothing has been recovered from conscious possession of the petitioner. Hence, no offence under Excise Act is made out. The petitioner has no concern with the seized liquor which does not belong to this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 27.02.2022. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner along with submission of charge sheet as well as period of custody of the petitioner, 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 Additional District & Sessions Judge-IV-cum-Special Excise, Gopalganj in connection with Vijaipur P.S.



Case No. 31 of 2022, 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 a close relative of the petitioner.

(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)

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