

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27100 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

Badal Kumar, Son of Late Arun Paswan Resident of Village - Chiliawa, P.s.-
Simra, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Aurangabad (Town) P.S. Case No.178 of 2022 instituted
under Section 30(a) of Bihar Excise Prohibition and
Amendment Act, 2018.

As per the FIR, on 31.03.22, at about 06:45 PM, the
informant received a confidential information that two persons
are coming with a country made liquor bags on motorcycles
bearing registration numbers BR23554 and BR12L3554 and one
person having Yamaha FZ-S bearing motorcycle number
BR26M4900 is working as liner. The Informant informed his



higher officials and proceeded along with the police personnel from police station. At about 05:10 PM, one person was caught along with one motorcycle bearing registration number BR23554 and after some time another motorcycle bearing registration number BR12L3554 was located. However, on seeing the police leaving behind the motorcycle, the accuseds succeeded in fleeing away. The person caught then disclosed his name as Badal Kumar and upon search of the aforesaid motorcycles, 58.5 Liters of country made liquor was recovered from the motorcycle bearing registration number- BR23554 and 54 liters of country made liquor was recovered from motorcycle bearing registration number-BR1213554. Accordingly, seizure list was prepared.

Mr. Ashok Kumar Singh, learned counsel for the petitioner submits that the allegation is of recovery/seizure of altogether 112.300 ml. country-made liquor from the cartoon that were tagged with the motorcycle. The petitioner was arrested on the spot. Learned counsel for the petitioner submits he was just a passerby. While the other accused managed to flee away, he was caught and only because of the fact that he has criminal antecedent, has been implicated in this case and in that way is in jail since 01.04.2022 (as stated in para -16 of



the bail application). Learned counsel for the petitioner further submits that in any case due to the said allegation he had already suffered and if allowed to be out of jail, he will definitely try to reform himself.

Taking into account the fact that the petitioner is in custody since 01.04.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner 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 Aurangabad (Town) P.S. Case No.178 of 2022 to the satisfaction of learned Special Judge, Excise, I, Aurangabad, subject to following conditions:

(i) one of the bailor should be the family member 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 reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his



presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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