

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37612 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- OBRA District- Aurangabad

SUBHASH KUMAR, aged about 34 years, Male, Son of Jang Bahadur Prasad, resident of village- Ratwar, P.S. Obra District Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, A.P.P.

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

2      02-09-2022                      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 Obra P.S. Case No. 80 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, secret information was received about bringing of illicit spirit on 407 vehicle. A raid was conducted but the miscreants along with 407 vehicle were successful in escaping from the place and on further search a red colored Alto Car was found, from which 120 litres of spirit kept in



3 jerry can were recovered. Furthermore, from an open field of government land 57 jerry can of 40 litres spirit were recovered. Thus the recovery total 2400 litres of spirit was made. The petitioner is stated to be the owner of the Alto vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was the owner of the Alto car bearing registration no. BR-26F-0886 and he sold this car to one Vikash Kumar but Vikash Kumar has not got transferred the ownership in his name and for this reason the petitioner has been made accused in this case. Even from the F.I.R., it is clear that Vikash Kumar has been made accused in this case and this shows that the petitioner had sold his car to him. The petitioner has no knowledge the recovery of spirit or about the state of his car. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious position. Charge sheet has been submitted in this case and the petitioner is in custody since 31.05.2022.

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

Having regard to the facts and circumstances and considering the submission of charge sheet along with period of custody of this petitioner who was not apprehended from the spot



and no recovery has been shown from him, 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-cum-Special Judge-cum-Special Judge, Excise-2nd, Aurangabad, Bihar in connection with Obra P.S. Case No. 80 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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