

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45362 of 2022**

Arising Out of PS. Case No.-405 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Abhishek Kumar Son Of Late Jeevan Prasad Sah R/O Village- Rakhabani  
Bagnocha, P.S.- Dumka, District- Dumka, State- Jharkhand

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

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

2      30-09-2022                      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 Jagdishpur P.S. Case No. 405 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of 726.20 liter of Indian made foreign liquor was recovered from a Tata 407 vehicle and the driver of the vehicle fled away from the spot. The petitioner is stated to be the owner of the said vehicle.

Learned counsel for the petitioner submits that



petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He was not even seen in the company of the driver. Merely, because he is the owner, he has been made accused in this case. The petitioner has put his vehicle on hire and he was unaware about transportation of illicit liquor from his truck. Charge sheet has been submitted in this case and the petitioner is in custody since 28.04.2022.

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

Having regard to the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered though, he stated to be the owner of the said vehicle and also considering his period of custody along with submission of charge sheet, 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 Special Judge First Excise Bhagalpur in connection with Jagadishpur P.S. Case No. 405 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

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

(iv) 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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