

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49012 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- DAUDPUR District- Saran

Abhishek Kumar, S/o Dhurendra Ray R/o village- Purvi Dahiyawan, Mission Road, P.S.- Town, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Daudpur P.S. Case No. 154 of 2022 registered for the alleged offences under Section 30 (A) of the Bihar Prohibition Act and Excise Act, 2018.

As per prosecution case, the petitioner and the co-accused persons were bringing illicit liquor in their vehicle and the petitioner was apprehended by the police and from the vehicle being driven by the petitioner, total 198.720 litres of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the



petitioner is not the driver of the vehicle, but he was merely a passenger on the said vehicle. The petitioner has no concern with the seized vehicle or the illicit liquor recovered by the police. Nothing incriminating has been recovered from conscious possession of this petitioner. The petitioner is in custody since 24.05.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the clean antecedent of the petitioner along with the submission of charge-sheet and period of custody, 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 and Sessions Judge-II-cum-First Special Judge, Excise, Saran at Chapra in connection with Daudpur P.S. Case No. 154 of 2022 , subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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