

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49025 of 2022

Arising Out of PS. Case No.-200 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

Shivshankar Chaudhary, S/o Lallan Chaudhary, R/o Village Basantpur, P.S.
Nagar Sasaram, District - Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-10-2022 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 Excise P.R. Case No. 200 of 2022 registered for
the alleged offences under Sections 30(a) and 32(S) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 118.420 litres of
India made foreign liquor was made from the Car of the
petitioner and the petitioner is stated to be its driver.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The petitioner is merely a driver and he has no knowledge about the liquor kept hidden in the car. There is no compliance of Section 100 of Cr.P.C. Furthermore, there are no independent witnesses to the seizure list. The petitioner is in custody since 31.07.2022 and the prosecution report has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got clean antecedent and further considering the submission of prosecution report and his 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 Special Judge, Excise Court-2, Kaimur at Bhabua in connection with Excise P.R. No. 200 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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