

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50062 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

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Ashu @ Ashu Khan S/O Jumma, Resident of village- Siwana (Gudhadiyalka Bas), P.S.- Kishangarh Bas District- Alwar (Rajasthan).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Patel, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Durgawati P.S. Case No. 228 of 2022 registered
for the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 2175 liters of
India made foreign liquor was made from a truck being driven
by the petitioner.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case as the
petitioner is only the driver of the vehicle in question and he has



no concern with the seized article. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 20.07.2022 and charge-sheet has been submitted in this case. 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 considering the submission of charge-sheet and the period of custody of the petitioner along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 228 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 for 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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