

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51992 of 2022

Arising Out of PS. Case No.-389 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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Sujal Kumar S/o Binod Singh R/o village- Malhipur, P.S.- Barauni (Chakia
O.P.), Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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 Bhagalpur Sadar Excise P.S. Case No. 389 of
2022 registered for the alleged offences under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, on getting secret information
regarding a vehicle carrying illicit liquor, one Toyota Fortuner
being driven by the petitioner was intercepted and a recovery of
353.835 litres of India made foreign liquor was made along
with two mobile phones. The petitioner tried to escape from the

spot but was apprehended after being chased.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is only the driver of the said vehicle and he had no knowledge of the presence of alcohol in the vehicle. Police took his signature on a blank paper and prepared a seizure list and thereafter falsely implicated the petitioner. The petitioner is having clean antecedent. The charge-sheet has been submitted and the petitioner is in custody since 15.08.2022.

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 period of custody and submission of charge sheet along with his clean antecedent, 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-1, Bhagalpur in connection with Bhagalpur Sadar Excise P.S. Case No. 389 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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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