

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56675 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- AANDAR District- Siwan

Upendra Ram Son Of Ramuna Ram, R/O Village- Ugo, P.S.- Raghunathpur,
Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Andar P.S. Case No. 152 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 96.75 liters of
India made foreign liquor was made from a Tata Magic vehicle
being driven by the petitioner, who was apprehended from the
spot.

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



case. The petitioner is not the owner of the vehicle and he is only the driver and he was having no knowledge about the liquor kept in his vehicle. There is nothing on record to show that the petitioner was involved in selling or manufacturing the illicit liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no independent witness to support the allegation against the petitioner. The petitioner is in custody since 14.07.2022 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 Exclusive Special Judge, Excise Court No.1, Siwan in connection with Andar P.S. Case No. 152 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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