

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55939 of 2022

Arising Out of PS. Case No.-443 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Bhola Kumar S/o Raju Prasad Resident of Mohalla - Sanjay Nagar, Gaya,
Ward No. -06, P .S. - Delha, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Sheikhpura (Kushumbha O.P.) P.S.Case No. 443 of 2022 registered for the alleged offences under Section 30(a)/ 41 of the Bihar Prohibition Act and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret information about transportation of illicit liquor in a car and the said car was intercepted and its driver was apprehended who is the petitioner in this case. From the search of this car 102.375 litres of India made foreign liquor was made.

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



case. Nothing incriminating has been recovered from the conscious possession of this petitioner. Recovery has been shown from the vehicle, but the petitioner has no knowledge about the illicit liquor being kept in the vehicle and the petitioner is merely a driver of the said vehicle. The petitioner is in custody since 27.07.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red-handed with the illicit liquor kept inside the vehicle.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and also considering the period of custody of the petitioner along with the submission of charge-sheet against him, 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 Excise, Judge Sheikhpura in connection with Sheikhpura (Kushumbha O.P.) P.S.Case No. 443 of 2022, subject to 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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