

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58487 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- KURSAILA District- Katihar

Salman Khan, Son of Siraj Khan @ Seraj Khan, R/O- Koilee Kalan , p.S-
Chouparan, Distt- Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Kursela P.S. Case No. 146 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received secret
information about unloading of illicit liquor near a *dhaba*. A raid
was conducted and the petitioner was apprehended along with
his car container vehicle in which 224.81 litres of India made
foreign liquor was kept concealed under the leaves of pineapple
which was seized.



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 his conscious possession. The petitioner is a driver of the said car container truck bearing Reg. No. NL01-AA-3838. On the basis of challan the goods were loaded at Siliguri by a transporter who directed the petitioner to handover the goods to two persons who were to meet him at the identified *dhaba*. Petitioner has never indulged in illicit trade of liquor. The petitioner is in custody since 06.08.2022 and the 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 clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, 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 Additional Sessions Judge, Excise Court No.-2 Katihar in connection with Kursela P.S. Case No. 146 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)

balmukund/-

U		T	
---	--	---	--

