

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58765 of 2022**

Arising Out of PS. Case No.-491 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Bhojpur

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Vishal Kumar @ Vishal Kumar Sah, Son of Umesh Sah, Resident of Village-  
Balua, P.S.- Krishnagarh Barahara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amarendra Kumar, Advocate  
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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**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 Excise P.S. Case No. 491 of 2022 registered for  
the alleged offences under Section 30(a) of the Bihar Prohibition  
and Excise Act, 2018.

As per prosecution case, petitioner and co-accused  
persons were apprehended carrying a plastic bag from which 40  
litres country made *chulai* liquor was recovered while the  
petitioner and co-accused tried to escape from the spot.

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 and he has no concern with the recovered illicit liquor. There is no independent witness to the search and seizure. There is complete non-compliance of Section 100 of Cr.P.C. The petitioner is in custody since 29.08.2022 and the prosecution report 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 prosecution report, 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 Exclusive Special Judge, Excise Court No.-II, Bhojpur, Ara in connection with Excise P.S. Case No. 491 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)**

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