

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59420 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Ajay Kumar Rai Son of Ram Ekbal Rai R/O Village- Pakari Dixit Ward No-04, P.S- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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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 Excise P.S. Case No. 118 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicles under a drive against illicit liquor, the vehicle of the petitioner was intercepted and the petitioner was apprehended. From search of the vehicle recovery of 99 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. The petitioner is merely a driver of the vehicle. The petitioner was having no knowledge about the articles kept in the *dickey* of the car. The said car does not belong to this petitioner. The petitioner is in custody since 26.06.2022 and prosecution report has been submitted. The petitioner has got no criminal history.

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 and further considering the period of the custody of the petitioner along with the 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, West Champaran, Bettiah in connection with Excise P.S. Case No. 118 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 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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