

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60118 of 2022

Arising Out of PS. Case No.-400 Year-2022 Thana- SHIVSAGAR District- Rohtas

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Akash Kumar, S/o Lalan Paswan, R/o village- Basantpur, P.S.- Darigaon,
(Sasaram Town), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Shivsagar P.S. Case No. 400 of 2022 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on secret information a WagonR vehicle was intercepted and this petitioner was apprehended on chase when he tried to flee away on seeing the police party. On search of the vehicle, recovery of 237.27 litres of India made foreign liquor was made. Petitioner is said to be the driver of the vehicle from which recovery of illicit liquor has been made.

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 the driver of the vehicle in question and only on suspicion he has been apprehended by the police. Petitioner was completely unaware about the presence of the illicit liquor in the vehicle. The seizure list has not been prepared in presence of the independent witness. The petitioner is in custody since 14.08.2022 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 Exclusive Special Excise Court-2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 400 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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