

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3694 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- KATEYA District- Gopalganj

Vishal Kumar, Son of Laleshwar Ray, R/o Village - Pojhi, Post - Parsa, P.S.-
Derni, District - Chapra (Saran).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, 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 Kateya P.S. Case No. 457 of 2022 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, during checking of vehicles,
a tempo was intercepted and the petitioner was apprehended.
From a secret compartment in the tempo, recovery of 146.880
liters 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 and he has not committed any offence under Excise Act. Nothing incriminating has been recovered from the possession of this petitioner. The allegations is that petitioner was sitting in the tempo from which recovery of illicit liquor has been made but the petitioner was merely a passenger and he has no concern with the alleged recovery. Learned counsel further submits that the petitioner is neither owner nor driver of the seized tempo. Charge sheet has been submitted in this case and the petitioner is in custody since 12.10.2022. The petitioner has got no criminal history.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended with 146.880 liters of illicit foreign liquor.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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-II-cum-Special Judge, Excise-1, Gopalganj in connection with



Kateya P.S. Case No. 457 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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