

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11510 of 2023

Arising Out of PS. Case No.-441 Year-2019 Thana- DEHRI TOWN District- Rohtas

Shivlal S/O Late Mohan Lal R/V- Khawda Kala (Khamar Kala), P.S.- Bhattu
Kala, District- Fatehabad, State- Haryana

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 7966.08 litres of Indian Made Foreign Liquor from a Truck bearing Reg. No. RJ-31GA-1849. The driver and Cleaner of the truck, namely, Md. Sharif and Ajay Singh respectively were apprehended on spot. The petitioner is owner of the alleged Truck.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner was apprehended on spot nor anything incriminating has been recovered from



his conscious possession. Only because being the owner of the aforementioned Truck, he has been dragged in this case. There is no independent witness of the alleged seizure. Moreover, Petitioner is languishing in judicial custody since 25.12.2022. The petitioner has given the vehicle to the transport company for his livelihood and he has no concern in any manner from the alleged recovered illicit liquor. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P. for the state vehemently opposed the prayer of Bail and submitted that petitioner is owner of the aforesaid Truck from which huge quantity of liquor has been recovered.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No. 1,



Rohtas, Sasaram in connection with Dehri (Town) P.S. Case
No. 441 of 2019.

The petitioner is directed to deposit a sum of Rs.
50,000/-(Rupees Fifty Thousands) in the concerned District
Legal Services Authority.

The bail bond of the petitioner shall be accepted by
the learned Court below on showing receipt of deposit of Rs.
50,000/-(Rupees Fifty Thousands) in District Legal Services
Authority of concerned District.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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