

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18268 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- GOPALPUR District- Gopalganj

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KESHAV KUMAR Son of Nandulal Prasad Village - Neknama, P.S.-
Siwaipatti, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 02 of 2023 dated 03.01.2023 registered
for the offence(s) punishable under Section(s) 30(a) of the Bihar
Prohibition and Excise Act.

As per the prosecution, police personnel while on
patrolling duty seized a vehicle and recovered in total 545.400
litres of foreign liquor from the alleged vehicle and petitioner is
stated to be the owner of said vehicle.

The main submissions advanced by the learned
counsel for the petitioner are that the petitioner was not
apprehended at the spot, he has been dragged in this case mainly
on account of being owner of the alleged vehicle from which the



alleged liquor was recovered, in fact the said vehicle had been stolen on 03.01.2023 regarding which the petitioner lodged an FIR vide Annexure 2, being Siwaipatti P.S. Case No.02 of 2023 at the police station concerned, petitioner's vehicle was used in transporting the alleged liquor by some unknown criminals in which the petitioner had no role and petitioner has been languishing in jail since 26.01.2023.

Learned APP appearing for the State has opposed the bail prayer.

Considering the recovery of the huge quantity of liquor from the petitioner's vehicle and petitioner has also been made accused in five other criminal cases which have been lodged under the Bihar Prohibition and Excise Act and petitioner's above-mentioned defence does not seem reliable as according to him alleged vehicle of petitioner was stolen on 03.01.2023 and petitioner lodged the FIR in connection with the said theft of his vehicle on 04.01.2023 and recovery of alleged wine had been made on 03.01.2023 which rises the presumption that he might have created a defence to escape from the liability in the present case, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.



The trial court is directed to expedite the trial of the petitioner, if the same has started and take steps to conclude the same within one year from the date of this order.

Petitioner may renew his bail prayer after one year, if the petitioner's trial is not concluded within the said period and he co-operates in his trial.

(Shailendra Singh, J)

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