

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31303 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- RAHUI District- Nalanda

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Pramod Kumar, Son Of Sri Rambaboo R/O-Chhidami Ki Mathiya, Mohalla-Sirsagate, P.S.-SIRSAGANJ, Distt.-FIROZABAD (UTTAR Pradesh)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nandlal Kumar Singh

For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(A), 32(ii), 36 and 41(i)(ii) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 129.540 litres of liquor from a carton and 51 litres of liquor from a container.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that he came to be implicated as he is owner of the container/truck. It is next submitted that petitioner is a businessman. No prudent businessman would use his own vehicle for committing an



occurrence and thus, would create evidence against himself and hence, would get implicated. It is next submitted that petitioner was completely unaware that the driver of the container would misuse the vehicle in the manner as alleged, when admittedly petitioner is a person with clean antecedent. It is also submitted that no prudent businessman would bring his disrepute to his own business.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Biharsharif, Nalanda in connection with Government Official Complaint (Excise)/Rahui (Bena) P. S. Case No.540 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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