

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55318 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

KRISHNA KUMAR PATEL Son of Kapil Patel R/o vill - Naya Tola,
Bhathawa, P.s. - Yadopur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Vishambharpur P.S. Case No. 123 of 2023 dated 16.07.2023, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2023.

3. The prosecution case, in brief, is that on 16.07.2023 while checking the vehicles, the informant apprehended the driver(petitioner) of a tempo who tried to flee on seeing the police. It is alleged that 43.20 liters Banti Babli country made liquor has been recovered from the tempo of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has falsely implicated in this case. It is further submitted that petitioner is the owner cum driver of the said tempo and he has no knowledge about the said liquor as the said liquor has been recovered under the back seat of the vehicle where passengers sit and travel. It is submitted that some passenger might have kept the said liquor under the seat and left it there on seeing the police checking the vehicles and the petitioner being the owner-cum-driver has been apprehended on the spot. Further, it is submitted that the petitioner has no concern with the recovered and seized liquor. Lastly, it has been submitted that the petitioner is in custody since 17.07.2023 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge- IV Cum- Special Judge Exclusive Special Excise Court II, Gopalganj in Vishambharpur P.S. Case No. 123



of 2023.

(Khatim Reza, J)

Sankalp/-

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