

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57928 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- DHIBRA District- Aurangabad

Vishal Kumar son of Rajlিশore Bhuiyan Village- Deva Bigha Ps- Deo Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Dhibra P.S. Case No. 58 of 2023 (G.R. No. 956 of 2023) registered on 15.07.2023, for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

03. As per prosecution case, the police received secret information about transportation of illicit liquor on two motorcycles. The police started checking of vehicles and in course thereof two motorcycles were signaled to stop and on seeing the police the party, the riders fell down from the motorcycles and they were apprehended. From the two motorcycles, 138.240 liters of country made liquor was



recovered. The petitioner is one of the apprehended persons.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was merely present at the place of occurrence and he had no direct involvement in the alleged transportation of liquor. The petitioner is neither the owner nor the driver of the seized motorcycle. The petitioner has no concern with the seized contraband and nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 15.07.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioner was caught red handed with illicit liquor on a stolen motorcycle.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Dhibra P.S. Case No.



58 of 2023 (G.R. No. 956 of 2023), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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