

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68437 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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SUSHIL KUMAR SON OF CHETAN MAHTO R/O VILLAGE- KHAN,
P.S.- MUFASSIL, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Excise P.S. Case No. 190 of 2022,
registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

The allegation is regarding the police
having intercepted a Pajero vehicle which was
being driven by the petitioner and on search
293.22 litres of illicit country made liquor was
recovered.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.09.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused only in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted, by referring to paragraph no. 7 of the present petition, that the vehicle in question does not belong to the petitioner and he is merely the driver of the said vehicle in question, hence he was not knowing about the consignment loaded on the said vehicle.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has categorically averred that the vehicle in question does not belong to the



petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-2, Aurangabad, District-Aurangabad in connection with Excise P.S. Case No. 190 of 2022.

(Mohit Kumar Shah, J)

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