

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62950 of 2023

Arising Out of PS. Case No.-1577 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Chandan Kumar @ Chandan Sah S/O- Mahendra Sah Village- Rohua Raja
Ram Khujalipur P.S.- Mushahari District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Hari Kishore Thakur, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Excise P.S. Case No. 1577 of 2023 registered for the offences
punishable under Sections 30(a) & 32 (3) of the Bihar
Prohibition and Excise Act 2016.

3. The allegation against the petitioner is of paddling of
the illicit liquor. On information, the police intercepted the
truck, bearing registration No. NL01K-6482, however, noticing
the police party, the driver of the truck succeeded in fleeing
away. On search, total 2678.400 liters of Indian Made Foreign
Liquor was recovered.



4. It is submitted on behalf of the petitioner that neither the petitioner has any concern with the truck, in question, nor with the alleged recovered foreign liquor. He further submits that the name of the petitioner has been implicated in this case only on account of the fact that he has one criminal antecedent of identical nature i.e. Bela P.S. Case No. 31 of 2020. Except the aforesaid antecedent, there is no material suggesting the complicity of the petitioner. That apart, even during the course of investigation, no incriminating material has been recovered from the whereabouts of the petitioner and the entire investigation does not suggest the involvement of the petitioner in the paddling of illicit liquor.

5. On the other hand, learned Additional Public Prosecutor for the State opposes the bail application.

6. Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery was made from a truck, which was parked on a public road, apart from the other serious infirmities in the search and seizure, let the petitioner, named above, be released on bail in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 1577 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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