

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67215 of 2023

Arising Out of PS. Case No.-348 Year-2023 Thana- Excise P.S. District- Supaul

Priya Kumar @ Priya Kumar Singh, Son of Sri Durga Singh @ Vimal Kishor Singh @ Durga Singh R/o vill - Supaul Nagar Parishad, Kharail Punarvas, ward no. 16, P.S. and Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Supaul Excise P.S. Case No. 348/2023 corresponding to Misc. Excise Case No. 1701 of 2023, lodged on 01.05.2023 under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of 127.905 litre of illicit foreign liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the alleged recovery has not been made from the conscious possession of the petitioner rather the said recovery has been made from an open hut which does not belong to the petitioner. Moreover, the petitioner was not apprehended from the place of



occurrence. The petitioner is in custody since 03.07.2023 and is accused in two more criminal cases.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean as he is accused in two more criminal cases of similar nature.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Supaul Excise P.S. Case No. 348/2023 corresponding to Misc. Excise Case No. 1701 of 2023, pending before the learned Exclusive Special Judge, Excise Court-2, Supaul is hereby rejected.

9. However, the trial Court is directed to release the petitioner on bail by imposing its own condition so that the petitioner may not evade appearance during trial, if he renews his prayer for bail after framing of charge.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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