

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69981 of 2023

Arising Out of PS. Case No.-743 Year-2023 Thana- Excise P.S. District- Gopalganj

RAHUL KUMAR Son of Krishna Kumar Das R/o vill - Dharampur, P.S. -
Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s: Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 743 of 2023 dated 21.7.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. During checking of vehicles, one Tata Ace vehicle was intercepted and from this vehicle recovery of 398.88 litres of foreign liquor was made which was concealed in frames of dicky of motorcycles and dicky of motorcycles which were loaded on the said vehicle. The petitioner and co-accused were apprehended from the said vehicle.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The petitioner was not aware about liquor which was seized from the vehicle. Petitioner is not the owner of the vehicle and he is not involved in transportation of liquor in question. Even from the FIR it appears that the petitioner has no knowledge about the concealed liquor in the consignment being carried on the vehicle. The co-accused driver has been granted bail by the learned court below. The petitioner has got no criminal history and he is in custody since 22nd of July, 2023. After submission of charge sheet, charges were framed.

5. Learned APP opposes the prayer for bail submitting that the petitioner was apprehended and a huge quantity of foreign liquor was recovered.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and his period of custody as well as framing of charge, 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 ADJ IV cum Special Judge Excise-II, Gopalganj, in connection with Excise P.S. Case No. 743 of 2023, subject to the conditions mentioned in Section 437(3) of



the Code of Criminal Procedure and also 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 court below.*
- (iii) *In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.*

(Arun Kumar Jha, J)

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