

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69870 of 2023

Arising Out of PS. Case No.-588 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Akash Kol Son of Awadh Kol, Resident of Village - Tarachandi Colony, P.s. -
Darigaon, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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 Sasaram (Town) Darigaon P.S. Case No. 588 of 2023, registered on 11.07.2023 for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, as police received secret information about petitioner bringing liquor on his motorcycle, checking of vehicle was started. On seeing the police party, a person fled away leaving behind his motorcycle and the sack tied with the motorcycle. The local Chaukidar identified the person who fled away as this petitioner. From the motorcycle recovery of 100 litres of country made Mahua liquor was made.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner who was not arrested from the spot. Even the motorcycle from which recovery has been shown does not belong to the petitioner. The petitioner has got no criminal history. The petitioner is in custody since 20.08.2023.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner was identified while fleeing away from the spot and from the motorcycle which he was riding 100 litres of country made liquor was recovered.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from the person or possession of the petitioner, 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 Exclusive Special Excise Court No. 2 -cum- Additional District & Sessions Judge, Rohtas at Sasaram/concerned court in connection with Sasaram (Town) Darigaon P.S. Case No. 588 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 the 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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