

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70081 of 2023

Arising Out of PS. Case No.-742 Year-2023 Thana- Excise P.S. District- Gopalganj

Vinay Kumar @ Vinay Sah @ Vinod Sah, Aged about 37 years, Male, Son of Anoop Sah, Resident of Village - Sahebganj, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Dhramveer, learned counsel appearing on behalf of the petitioner and Mr. Md. Nazir Ansari, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Excise P.S. Case No. 742 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is recovery of 90 litres of country made liquor from a Bolero vehicle bearing Registration No. BR06DE-2502 belonging to the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Nothing was recovered



from the conscious possession of the petitioner. Name of the petitioner has been surfaced on the basis of confessional statement of driver of Bolero vehicle, namely, Uttam Kumar, who was apprehended on the spot. Petitioner is not involved either in manufacturing or in trade of illicit liquor. Petitioner has clean antecedent. On these ground petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that nothing was recovered from the conscious possession of the petitioner. Name of the petitioner has been surfaced on the basis of confessional statement made by the driver of the Bolero vehicle, namely, Uttam Kumar, who was apprehended on the spot. Petitioner has clean antecedent. In case two responsible persons of means of the village of the petitioner file undertaking along with the petitioner that the petitioner will not involve in any criminal activity in future then in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District & Sessions Judge-IV-Cum-Exclusive-Spl. Excise Court No.-II, Gopalganj, in connection with Excise P.S. Case No. 742 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C. the petitioner be released on **provisional bail**.

7. In case, it is found that the petitioner commits any offence within the aforesaid period, the bail bonds of the petitioner shall be cancelled. In case, the petitioner maintain good conduct and not commit any offence, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as learned Court below deems it fit and proper after a period of three months.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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