

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69883 of 2023

Arising Out of PS. Case No.-258 Year-2023 Thana- TARAIYA District- Saran

Kanhaiya S/O Krishna Lal @ Kishan Lal R/O Village- Mogalpuri P-85, P.S- Mogalpuri, District- New Delhi, Permanent Address- I-219, Prem Nagar-Ii Kiradi, Suleman Nagar, North West Delhi, Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Humayou Ahmad Khan, 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 Taraiya P.S. Case No. 258 of 2023, registered on 11.08.2023 for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about smuggling of illicit liquor in a four wheeler Duster vehicle. Checking was started and the petitioner was apprehended when he tried to escape with his vehicle on seeing the police party. From search of the vehilce, 171.900 litres of Indian made foreign liquor was recovered.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case. Petitioner is merely a driver and he is having no knowledge about consignment kept in the vehicle. The petitioner has never been involved in such trade and he has got no criminal history. The petitioner is not the owner of the said vehicle and he has no concern with the said liquor as well. The petitioner is in custody since 11.08.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner was caught red handed with the said liquor.

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 is said to be driver of the vehicle and further considering the period of custody of the petitioner and submission of charge sheet, 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 2nd Exclusive Special Excise Judge, Saran at Chapra/concerned court in connection with Taraiya P.S. Case No. 258 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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