

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69801 of 2023

Arising Out of PS. Case No.-1004 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Amit Kumar Son of Umesh Mehta @ Umesh Maheta R/o vill - Andoli, P.S. - Sourbazar, Distt. - Saharsa
2. Prem Raj Son of Laxman Yadav R/o vill - Matura (Madhura), P.S. - Sourbazar, Distt. - Saharsa
3. Saurabh Kumar @ Sourav Kumar @ Sajan Yadav Son of Mahendra Yadav R/o vill - Sahuriya West, P.S. - Sourbazar, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 1004 of 2023, registered on 26.08.2023, for the alleged offences under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016 and Amendment Act, 2022.

03. As per prosecution case, due to suspicious activities, two four-wheelers were intercepted and 3-3 persons were apprehended from each of the vehicles. On search of the first vehicle namely Wagon-R, 86.60 liters of India made



foreign liquor was recovered. From the second vehicle, namely, Maruti 800-Alto, total 77.76 liters of India made foreign liquor was recovered. Petitioners are the persons who were apprehended from Wagon-R vehicle.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The police intercepted the Wagon-R and petitioner no. 1 is the driver of the said vehicle and petitioner nos. 2 and 3 were passengers into the vehicle, but they are neither sellers nor purchasers of the seized liquor and they have been falsely implicated in this case. Though the petitioner no. 1 is the driver of the vehicle but he was not having any knowledge about the seized contraband and petitioner nos. 2 and 3 have taken lift in the vehicle. Nothing illegal has been recovered from the conscious possession of the petitioner. The petitioners are in custody since 27.08.2023. The other co-accused persons who were apprehended in Maruti-800 Alto Car have been granted bail by a Co-ordinate Bench vide order dated 03.11.2023 passed in Criminal Misc. No. 70169 of 2023.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioners were caught red handed carrying liquor in their vehicles.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the the period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX-cum-Exclusive Special Excise Judge-I, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 1004 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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