

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69854 of 2023

Arising Out of PS. Case No.-504 Year-2023 Thana- Excise P.S. District- Vaishali

Krishna Dev Kumar, Son of Devendra Singh, R/o vill - Motipur, ward no. 6,
P.s - Tajpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Hajipur Excise P.S. Case No. 504 of 2023 registered for the alleged offences under Sections 30(a), 32(i), (3), 41(1) and 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, during checking of vehicle a four wheeler was stopped and searched. Recovery of 257.400 litres of India made foreign liquor was made from the vehicle which was being driven by this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is not the owner of the seized vehicle and he



was just obeying the command of his master. The petitioner was having no knowledge about the liquor stored in the vehicle. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is complete violation of Section 100 Cr.P.C. regarding search and seizure. The petitioner is in custody since 18.08.2023 and he is having clean antecedent.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is said to be the driver of the vehicle and further considering his period of custody, 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-2nd-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned court in connection with Hajipur Excise P.S. Case No. 504 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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