

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69712 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- NAUTAN District- West Champaran

Prince Kumar, Son of Manoj Kushwaha, resident of Village- Balua
Rampurwa, Police Station- Bairiya District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Nautan P.S. Case No. 299 of 2023, registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about a person carrying illicit liquor on a motorcycle. The motorcycle was intercepted and the petitioner was apprehended and from a bag being carried on the motorcycle, recovery of 25.920 liters of India made foreign liquor was made. Even the motorcycle was found to be stolen property.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has purchased the motorcycle from one Ritik Kumar Raushan and he was having no knowledge about the history of the motorcycle. Nothing incriminating has been recovered from the person/possession of the petitioner and the alleged recovery is planted. The petitioner is in custody since 19.07.2023 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner was found smuggling the illicit liquor on a stolen motorcycle and he is having criminal antecedents of three cases.

6. At this stage, learned counsel for the petitioner submits that out of three cases, in one case, the petitioner has been acquitted, in another case, the police has submitted final form against the petitioner and in last case, the petitioner is on bail.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Judge, Excise-1, Bettiah, West Champaran in connection with
Nautan P.S. Case No. 299 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 bond of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

