

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69891 of 2023

Arising Out of PS. Case No.-1406 Year-2023 Thana- Excise P.S. District- Patna

Shiva Kumar, Son of Chotan Ram, Resident of village-Amukura, Camp Jail,
Police Station - Hawaiadda, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 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 Excise Patna P.S. Case No. 1406 of 2023, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the illicit trade of liquor from certain identified place. A raid was conducted on that place and the petitioner was found standing there and from that place, recovery of 25.92 liters of India made foreign liquor was made. The petitioner admitted that he was selling the liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the person/possession of this petitioner. The petitioner was merely standing near the spot from where he was apprehended. The petitioner is in custody since 08.09.2023 and is having clean antecedent.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the period of custody of the petitioner along with his clean antecedent, 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 Special Judge-Excise, 3rd, Patna, in connection with Excise Patna P.S. Case No. 1406 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/-

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