

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71189 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- KOCHAS District- Rohtas

Akash Yadav @ Akash Kumar, S/O Hanuman Yadav R/O Vill-Budhanipur
Mansukhawan Bhitri, P.S.-SAIDPUR, Dist.-GHAZIPUR, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kochas P.S. Case No. 253 of 2023 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, on receipt of secret information about illicit liquor being transported in a Scorpio vehicle, checking of vehicles was started. When the identified vehicle was signaled to stop, the driver and other person fled away from the vehicle on seeing the police party and this petitioner who was sitting in the vehicle was apprehended by the police. On search of the vehicle, recovery of 354.240 litres of India made foreign liquor was made.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is neither the owner nor the driver of the seized vehicle. No recovery has been made from the conscious possession of the petitioner hence no offence is made out against him. The seized liquor does not belong to this petitioner. The petitioner is in custody since 24.08.2023 and he is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioner was found sitting in the vehicle in which illicit liquor was being transported.

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 merely an occupant of the vehicle and also considering the clean antecedent of the petitioner along with 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 No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram/concerned court in connection with Kochas P.S. Case No. 253 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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