

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71214 of 2023

Arising Out of PS. Case No.-195 Year-2023 Thana- HASPURA District- Aurangabad

Md. Jamal, S/O Md. Kasim, R/O Village- Rampur Manpur, P.S- Bairgachhai,
Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Haspura P.S. Case No. 195 of 2023 registered on 08.07.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police received secret information about co-accused persons bringing illicit liquor on a truck and they were trying to smuggle it to some other place. A raid was conducted and the petitioner was found unloading the liquor from the truck. Co-accused persons who brought the truck fled away from the spot. Total 1053 litres of India made foreign liquor was recovered from the truck.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is labourer at the brick kiln where he has been working for his livelihood. On the place of occurrence he was sleeping and police arrived and apprehended him. Not a single carton of liquor was unloaded from that truck and it suggests false implication of the petitioner. Petitioner has nothing to do with the seized truck or the liquor. Nothing incriminating has been recovered from his conscious possession. Petitioner is in custody since 08.07.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioner was found unloading the liquor from a truck.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner is said to be labourer coupled with the fact that no recovery has been shown from the petitioner who is having clean antecedent and also considering the submission of charge-sheet 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 Special Judge Excise-II, Aurangabad, in connection with Haspura P.S. Case No. 195 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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