

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69728 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- MUFFASIL District- Aurangabad

Raja Babu, Son of Prahalad Manavat, Resident of Village - Parwatpura, P.S. -
Barotha, District - Dewas (Madhya Pradesh)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, 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 Aurangabad Muffasil P.S. Case No. 340 of 2023, registered for the alleged offence under Sections 30 (a), 32 and 41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of secret information, a truck was intercepted and the petitioner and co-accused were apprehended from the truck. From search of the truck, recovery of 3426.12 liters of India made foreign liquor was made. The petitioner is said to be the Assistant Driver of the truck.

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 the petitioner. From the FIR, it is clear that the petitioner is Assistant Driver, but he was not having any knowledge about the illicit liquor kept in the vehicle. The petitioner is in custody since 20.08.2023 and is having clean antecedent.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner. The learned APP submits that recovery of huge quantity of illicit liquor was made from the truck which was being driven by the co-accused and this petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner is said to be the co-driver 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 court of Exclusive Special Excise Court-1, Aurangabad, in connection with Muffasil P.S. Case No. 340 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 the father, the mother, the brother and the sister 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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