

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69956 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- BHIMPUR District- Supaul

BHOLA KUMAR son of Badri Mandal Village- Tintoliya W.No-14, Ps- Prat-
apganj Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Excise Sessions Trial No. 899/2023 (Bhimpur P.S. Case No. 74 of 2023 dated 4.8.2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, the police received secret information about smuggling of illicit liquor on a Safari vehicle. After getting information, police signaled the identified Safari vehicle to stop which tried to escape. However, it was intercepted and the petitioner who was driving the vehicle, was apprehended after chase. On the



search of the vehicle, recovery of 675 litres of *Nepali* country made liquor was made.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on suspicion. He is innocent and has not involved in the alleged occurrence. Petitioner is merely a driver and he is not the owner of the vehicle from which recovery has been made. The petitioner has no knowledge about the item kept inside the vehicle. No incriminating article has been recovered from conscious possession of the petitioner. The signature of the petitioner was taken on a blank paper and thereafter it was converted into a seizure list. The petitioner has got clean antecedent and he is in custody since 4.8.2023. The charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner was apprehended while smuggling of 675 litres of Nepali country made liquor.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and 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 Judge Excise, Court No. 01, Supaul, in connection with Excise Sessions Trial No. 899 of 2023 (Bhimpur P.S. Case No. 74 of 2023), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditons:-

(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 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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