

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71753 of 2023**

Arising Out of PS. Case No.-178 Year-2023 Thana- BAUNSI District- Banka

Bijay Kumar Son of Late Jogindra Mandal @ Yogindra Das R/O Village  
-BHIM Das Tola, Tintanga, P.S.- Rangra Chowk, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      11-12-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Baunsi  
P.S. Case No. 178/2023 registered for the offences punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

3. As per prosecution case, there was alleged  
recovery of total 218.25 liters illicit foreign liquor from a Pick-  
up van in question and the petitioner was a driver and  
apprehended on the spot.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case. Nothing has been recovered from the conscious possession  
of the petitioner. The petitioner is languishing in custody since



22.06.2023 and bears no criminal antecedent. He further submits that the petitioner is not the owner of the alleged vehicle in question. He is merely a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits that the petitioner has no concern with the seized liquor. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Banka in connection with Baunsi P.S. Case No. 178/2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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