

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74284 of 2023

Arising Out of PS. Case No.-335 Year-2023 Thana- MADANPUR District- Aurangabad

Ashok Kumar, Son of Babulal, R/O Village- Bagha, P.S.Sherawa Bhedvo,
District- Barmer, Rajasthan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 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 Madanpur P.S. Case No. 335 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 container was intercepted and the petitioner was apprehended from the said container and another co-accused ran away from the spot. From search of the container, recovery of 2567.88 liters of India made foreign liquor was made. The petitioner is said to be the driver of the container.

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. The petitioner is said to be the driver of the container and was not having any knowledge about the illicit liquor kept in the vehicle. The petitioner is in custody since 31.07.2023 and charge sheet has been submitted. The petitioner 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 container which was being driven by the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner and submission of charge sheet 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 Special Excise Court-1, Aurangabad, in connection with Madanpur P.S. Case No. 335 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/ mother/ brother/ 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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