

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74291 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- KASMA District- Aurangabad

KAUSHAL KUMAR S/O RAMASHISH YADAV VILLAGE- SIVA
GAMHARIYA, PS. KASMA, DIST. AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kasma P.S. Case No. 152 of 2023 registered on 03.09.2023 for the alleged offences under Section 30(a) Bihar Prohibition Act and Excise Act.

3. As per prosecution case, petitioner was apprehended carrying 50 liters of country-made liquor on a motorcycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he was arrested merely on the basis of suspicion. Nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner is not the owner of the



motorcycle from which the recovery has been shown. Petitioner has no concern either with the seized motorcycle or the recovered liquor and he was arrested in confusion as the rider of the motorcycle fled away from the spot on seeing the police party. Further search and seizure was not made in presence of any independent witnesses and the seizure list does not bear signatures of any of the independent witnesses. Moreover, nothing incriminating has been recovered from the conscious possession of the petitioner who is in custody since 04.09.2023. Charge-sheet has been submitted. Petitioner has got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner, period of custody and submission of charge-sheet, the petitioner above named 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 Judge, Excise-1st, Aurangabad, Bihar in connection with Kasma P.S. Case No. 152 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Adnan/-

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