

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78078 of 2023**

Arising Out of PS. Case No.-278 Year-2023 Thana- NAUGACHIA District- Bhagalpur

PRINCE KUMAR Son of Manoj Mistri R/o vill - Bairiya, P.S. and Distt. -
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Naugachia P.S. case No. 278 of 2023 instituted for the offences under Sections 30(a) and 32(ii) of the Bihar Excise and Prohibition Act, 2018.

3. Prosecution allegation, in short, is that during checking, total 152.625 litres foreign liquor was recovered from the car and one person(this petitioner) was apprehended on the spot while one person succeeded in fleeing away.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.08.2023 and has no criminal



antecedent. The petitioner has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner rather recovery has been made from the vehicle. Petitioner has no concern with the seized liquor or the vehicle from which recovery has been made. The seized car belongs to one namely, Jatinder Singh Uppal.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that petitioner is neither the owner nor the driver of the vehicle in question, as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Naugachia P.S. case No. 278 of 2023 corresponding to Special Excise Case No. 3943 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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