

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76087 of 2023

Arising Out of PS. Case No.-1614 Year-2023 Thana- Excise P.S. District- Gaya

AKHLESH KUMAR S/O VIJAY YADAV @ VIJAY KUMAR YADAV
VILLAGE- SURAHICHAK, PS.MOHANPUR, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioner seeks bail in connection with Excise
P.S. Case No. 1614/2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that 108 litre
foreign liquor was recovered from a Maruti Suzuki Dezire
vehicle and petitioner and other were apprehended on spot.

Learned counsel for the petitioner submits that
though petitioner is driver and owner of the vehicle in
question, the said vehicle was hired by co-accused Nikhil Kumar
who kept some bags loaded with illicit liquor in the dickey of
the said car and petitioner had no knowledge about the same.



It is further submitted that petitioner is in custody since 11.09.2023. Learned counsel orally submits that charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that the petitioner has been apprehended on spot.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya in connection with Excise P.S. Case No. 1614/2023 , subject to the 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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