

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76362 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- Excise P.S. District- Purnia

Kundan Kumar Son of Giro Prasad Yadav Resident of Village - Bara Toli,
Ward No.5, P.S. - Udakishunganj, District – Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhamdaha Excise P.S. Case No. 133/2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. As per prosecution case, there was alleged
recovery of total 147 liters foreign liquor from a car in question
and the petitioner and other 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
10.09.2023 and bears no criminal antecedent. Learned counsel



for the petitioner further orally 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 seizure list has not been prepared as per the law.

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 Exclusive Special Excise Judge Court No.-02, Purnea in connection with Dhamdaha Excise P.S. Case No. 133/2023, 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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