

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74273 of 2023

Arising Out of PS. Case No.-1055 Year-2023 Thana- Excise P.S. District- Bhagalpur

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DHARMENDRA KUMAR PASWAN SON OF KAILASH PASWAN
RESIDENT OF VILLAGE - LAGUNIYA RAJKANTH, POLICE STATION -
SAMASTIPUR, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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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 Excise(Sadar) P.S. Case No. 1055 of 2023 registered on 19.08.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, police received information about a bolero pick-up vehicle fleeing away after breaking the barrier put up by the prohibition team for checking and the said vehicle was intercepted and this petitioner, who was driving the vehicle was apprehended. From the search of the vehicle recovery of 903.960 liters of Indian made foreign liquor was made.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No illicit liquor has been recovered from conscious possession of the petitioner. Petitioner is merely a driver of the Bolero vehicle from which the alleged recovery has been shown. Being the driver of the vehicle petitioner has no knowledge and information about the goods loaded on the vehicle as it is a commercial vehicle. Petitioner is in custody since 19.08.2023. Charge-sheet has been submitted. Petitioner has got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner and submits that petitioner was caught red-handed while transporting illicit liquor.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner alongwith his period of custody and submission of charge-sheet 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 Exclusive Special Excise Judge-I, Bhagalpur in connection with Bhagalpur Excise(sadar) P.S. Case No. 1055 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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