

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75751 of 2023

Arising Out of PS. Case No.-515 Year-2023 Thana- KAHALGAON District- Bhagalpur

TINKU RABANI son of Shankar Rabani Village- Kusmatar Boliyapur Ps-
Boliyapur Dist- Dhanbad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Learned counsel for the petitioner is permitted to make necessary correction in para 12 and 13 of the bail petition filed on behalf of the petitioner during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Excise Kahalgaon P.S. Case No. 515 of 2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

4. As per prosecution case, petitioner being driver of the Tata four wheeler vehicle apprehended on spot and from the said vehicle 711 litre foreign liquor recovered.

5. Learned counsel for the petitioner submits that petitioner is in custody since 01.10.2023 as same is evident from



para 2 of the impugned order. He further submits that petitioner bears no criminal antecedent. Petitioner is not the owner of the vehicle in question, being a driver he has to follow to the instruction of the owner to earn for his livelihood. He further submits that petitioner has no knowledge regarding alleged liquor kept in the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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 Special Judge-1st Bhagalpur in connection with Excise Kahalgaon P.S. Case No. 515 of 2023, G.R. No. 4799 of 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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