

Arising Out of PS. Case No.-1040 Year-2023 Thana- Excise P.S. District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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 Prohibition P.S. Sitamarhi Case No. 1040/2023 registered for the offences punishable under Sections 30(a), 32 (3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of total 900 liters Nepali Saufi liquor from Tata Sumo Gold vehicle and the petitioner apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics. Nothing has been recovered from the conscious possession of the petitioner and the petitioner has nothing to do with the alleged occurrence. The



petitioner is languishing in custody since 20.08.2023 and bears no criminal antecedent. He further 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 Court No.-II, Sitamarhi/Competent Jurisdiction in connection with Prohibition P.S. Sitamarhi Case No. 1040/2023, 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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