

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78109 of 2023

Arising Out of PS. Case No.-560 Year-2023 Thana- Excise P.S. District- Supaul

Indal Kumar S/O Bhagwani Mehta Village- Gadhiya, Ward No. 8, Ps.
Bhaptiyahi, Dist. Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Misc.
Excise Case No. 4024 of 2023 arising out of Excise P.S. Case
No. 560 of 2023 instituted for the offences under Sections
30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police on receipt of
secret information reached at the place of occurrence and saw a
boat was coming from Nepal side in Koshi river. When the boat
reached at the bank of the river, two persons came out from the
boat and started to unload the consignments. On seeing the
police party, one person fled away from there but, the another
was arrested by the police who disclosed his name as the



petitioner. On search, the police recovered 540 Bottles kept in six white bags containing altogether 162 liters of Nepali country made Dilwale liquors from the boat.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner is a daily wages labour and has been apprehended in this case only on suspicion. The petitioner has no criminal antecedent. The petitioner is neither the owner of the alleged boat nor has any concern with the seized article/consignment. Nothing incriminating has been recovered from the conscious possession of the petitioner.

5. The petitioner is in custody since 06.10.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Misc. Excise Case No. 4024 of 2023 arising out of Excise P.S. Case No. 560



of 2023, subject to the condition that if the petitioner repeats the same offence in future, the Trial Court will be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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