

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80317 of 2023

Arising Out of PS. Case No.-786 Year-2023 Thana- Excise P.S. District- Aurangabad

Sukesh Chauhan Son of Dev Kumar Chauhan Resident of Village - Dani Bigha, P.S. - Navinagar, District – Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with G.R. No.1391/2023 arising out of Excise P.S. Case No. 786/2023 registered for the offences punishable under Sections 30(a), 32(1), 32(3) of the Bihar Prohibition and Excise Act, 2018 and Sections 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of total 103.68 liters country made liquor from the dickey of the car in question. The petitioner was a driver of the said car and 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 10.10.2023 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 petitioner has no concern with the seized liquor. 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 Court of Special Judge, Excise, Aurangabad in connection with G.R. No.1391/2023 arising out of Excise P.S. Case No. 786/2023,



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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