

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83787 of 2023**

Arising Out of PS. Case No.-2088 Year-2023 Thana- Excise P.S. District- East Champaran

VIKASH KUMAR SAH SON OF SITARAM SAH R/O VILLAGE- KASWA  
PATAURA WARD N. 2, P.S.- MUFFASIL, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      22-12-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise  
Motihari P.S. Case No. 2088/2023 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Act, 2018.

As per prosecution case, petitioner is said to have  
apprehended as a driver of Tata Tiago vehicle in question.  
During course of search 86.760 litre foreign liquor was  
recovered from the said vehicle.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence as alleged  
in the FIR. It is further submitted that petitioner is not owner of  
the vehicle in question. Petitioner being a driver, has to follow



the instructions of the owner to earn his livelihood and he has no knowledge about the illicit liquor recovered from the vehicle in question. Petitioner is in custody since 25.10.2023. Seizure list has not been made as per law. It is further submitted that due to previous criminal antecedents of the petitioner, he has falsely been roped in this present case in a routine manner. Petitioner bears criminal antecedent of four cases in which he is on bail.

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

Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court, No. 2, East Champaran, Motihari in connection with Excise Motihari P.S. Case No. 2088/2023 , subject to the 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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