

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4915 of 2024

Arising Out of PS. Case No.-2145 Year-2023 Thana- Excise P.S. District- East Champaran

Bhushan Rai S/O Late Mangal Rai @ Late Mangal Ram R/O Village-
Gyanbabu Chawk Miscott Mohall, Ward No. 21, P.S- Town, Distt.- East
Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise Motihari P.S. Case No. 2145 of 2023 lodged under
Sections 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

3. As per the prosecution case, the F.I.R. has been
lodged against six named accused persons including the
petitioner against whom there is recovery of 1400 liter spirit has
alleged to be made, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the petitioner has not been apprehended from the



place of occurrence rather when the accused persons were alleged to fleeing away then police has arrested in which petitioner has also been arrested.

5. Counsel further submits that petitioner is in custody since 04.11.2023 having clean antecedent. He submits that charge-sheet has already been filed in this case.

6. Counsel also submits that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 02.02.2024 passed in Cr. Misc. No. 4764 of 2024. He further submits that petitioner is neither owner of the vehicle nor owner of the godown from where the recovery has been made. Counsel submits that petitioner is a poor labour as like that of accused of other cases to whom this court has pleased to grant bail.

7. Learned counsel for the State opposes the prayer for bail and submits that huge quantity of excise material has been recovered in this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned Exclusive Special Excise Court No.2,
Motihari, East Champaran, in connection with Excise Motihari
P.S. Case No. 2145 of 2023, subject to the following conditions
as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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