

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4361 of 2024

Arising Out of PS. Case No.-808 Year-2023 Thana- Excise P.S. District- Kaimur (Bhabua)

Navin Kumar S/O Late Sheo Shankar Sharma R/O MOHALLA- KHETARI,
WARD NO. 24, JAIL ROAD , PS. TOWN ARA, DIST. BHOJPUR AT ARA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Tiwari

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Prohibition and Excise P.S. (Kaimur) P.R. No. 808 of 2023 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act , 2018.

3. As per prosecution case, there was alleged recovery of 116.00 litre foreign liquor from the car in question and petitioner being driver of the said car apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is in custody since 30.11.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is driver of the vehicle in question and he has no knowledge that illicit liquor kept in the said vehicle. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes 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 the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise) II, Kaimur at Bhabhua in connection with Prohibition and Excise P.S. (Kaimur) P.R. No. 808 of 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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