

Arising Out of PS. Case No.-1080 Year-2023 Thana- NAWADA District- Nawada

... .. Petitioner/S

The State Of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Ms.Sharda Kumari

2 16-02-2024 1. The learned counsel for the petitioner, at the outset, submits that inadvertently at Para-3, it has been recorded that petitioner is a person with clean antecedent, when petitioner carries antecedent of two cases.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a), 30(c) and 41 of the Excise Act.

4. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the allegation is of recovery of 150 litres of liquor along with 2000 litres of sweet mahua solution from Jaruiya canal.

5. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession. It is also submitted that even alleged recovery is from a place, which is accessible to public at large and he came to be implicated at the instance of *Chaukidar* with whom, he is on an inimical term. It is next submitted that it appears that the *Chaukidar*, with a view to save the real culprit, falsely implicated the petitioner, when admittedly petitioner is a person with clean antecedent.

6. Learned A.P.P. opposes the bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Nawada in connection with Nawada (Kadirganj) P. S. Case No.1080 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

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