

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5951 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- GANGABRIDGE District- Vaishali

Saurabh Kumar Son of Ravindra Singh Resident of Village Karhania, P.S.-
Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Learned counsel for the petitioner is permitted to
make necessary correction in the petition during course of the
day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No. 261 of 2023 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

4. As per prosecution case, 425 litre illicit liquor was
recovered from Alto car in question which was being driven by
the petitioner and he was apprehended on the spot.

5. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence



as alleged in the FIR. He further submits that petitioner is not owner of the vehicle in question. Petitioner is merely driver of the said vehicle and he has to follow the instruction of his owner to earn the livelihood. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has no knowledge regarding the alleged liquor that has been kept in the vehicle in question. Petitioner is in custody since 22.11.2023 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. There is no compliance of Section 100 of the Cr.P.C.

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

7. 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 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. 1 cum Additional Sessions Judge,



Vaishali at Hajipur in connection with Ganga Bridge P.S. Case
No. 261 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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