

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10188 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- MANSI District- Khagaria

Lakhwinder Singh, aged about 38 years, Male, Son of Puran Singh, Resident of Village - Safdarpur, P.S. - Kheriganda, District - Patiala (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mansi P.S. Case No. 299 of 2023 instituted for the offences punishable under Sections 30(a), 32(i) (ii) and 41 of the Bihar Prohibition and Excise Amendment Act, 2018

3. As per the prosecution case, total 2971.435 liters of liquor was recovered from a truck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. The total 2971.435 liters foreign liquor of different brands has been recovered from a truck bearing registration no.



PB65M8903. Petitioner is the driver of the said truck. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 29.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Judge-1, Khagaria dated 29.11.2023, it appears that petitioner is named in the FIR. Petitioner is not the owner of the truck and no incriminating articles have been recovered from the conscious possession of the petitioner. Similarly situated co-accused person namely Lakhwinder Singh has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 4803 of 2024 vide order dated 05.03.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Khagaria in connection with Mansi PS Case No. 299 of 2023, subject to the following conditions:-

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date



fixed atd the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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