

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31686 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- DESARI District- Vaishali

Akhilesh Kumar, Son of Raj Kumar Sah, Resident of village- Sekhopur, P.S. -
Sahdeai O.P. Desari, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Subhash Kumar, learned counsel for the
petitioner and Mr. Manoj Kumar learned APP for the State.

2. The petitioner apprehends his arrest in connection with Desari (Sahdeai O.P) P.S. Case No. 318 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. It is alleged that in course of patrolling duty the police intercepted a truck, namely, Ashok Leyland bearing Registration No. BR06GC3955 and on search, total 403.56 liter Indian Made Foreign Liquor was recovered. The apprehended persons disclosed the name of the petitioner and others as the fleeing accomplice.

4. It is contented on behalf of the petitioner that save and except the disclosure made by the apprehended persons,



there is no other material suggesting the complicity of the petitioner. During the course of investigation, no incriminating material has been recovered from the whereabouts of the petitioner. Besides the aforesaid facts, the petitioner bears fair antecedent. The petitioner has neither any concern with the truck in question nor with the alleged recovered Indian Made Foreign Liquor.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that a huge quantity of illicit liquor has been recovered and the complicity of the petitioner cannot be denied, as his name has been disclosed by the apprehended accused persons.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no cogent material suggesting the complicity of the petitioner, barring the disclosure made by the apprehended accused persons coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No.1-cum-Additional District



and Sessions Judge, Vaishali at Hajipur in connection with Desari (Sahdeai O.P) P.S. Case No. 318 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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