

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37220 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- Excise P.S. District- Vaishali

Sunil Kumar Keshav son of Ramvilash Sharma Village- Dilawarpur Purvi PS-
Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Mahua Excise P.S. Case No. 03 of 2023, registered on 10.07.2023 for the offences under Sections 30(a), 32(1), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, information was received by the authorities about smuggling of illicit liquor in a passenger tempo. Police intercepted the vehicle but the person sitting in the tempo fled away from the spot and on search of the tempo, recovery of 300 litres of country made liquor was made. The petitioner is stated to be owner of the vehicle.



4. Learned counsel for the petitioner submits that the petitioner is stated to be the owner of the vehicle but he has sold the vehicle on 03.03.2019 to one Surendra Ray, who did not get the registration changed in his name and subsequently Surendra Ray has also sold the tempo to some other person and has filed a show cause in the court of Confiscation Officer when notice was given to him regarding confiscation of the vehicle. Learned counsel further submits that the petitioner has never been involved in the business of illicit liquor and has no concern either with the seized liquor or tempo. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that from the facts of the present case no prima facie case appears to be made out against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Excise, Excise Court-II Cum Additional District and Sessions Judge, Hajipur, Vaishali in connection with Mahua Excise P.S. Case No. 03 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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