

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38511 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- Excise P.S. District- Madhubani

Deepak Sah Son of Pawan Sah Resident of Village - Kharuwa, Ward No.- 6,
P.S.- Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jhanjharpur Excise P.S. Case No. 57/2024 (G.O. No. 370 of
2024) lodged on 22.03.2024 under Sections 30(a), 32(1), 32(3)
of the Bihar Prohibition and Excise (Amendment) Act, 2018

3. As per the prosecution case, the FIR has been
lodged against two named accused persons, including the
present petitioner. The total recovery of 89.640 liters of Indian
Made Foreign Liquor from a Bolero vehicle is the subject matter
of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner in no way connected with the said vehicle from which



the alleged recovery has been made. In fact, the petitioner had taken lift in the said Bolero vehicle and when police surrounded the vehicle, the driver fled away but the innocent petitioner has been caught by the police along with one accused person. The petitioner is in custody since 22.03.2024 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner has been apprehended from the vehicle on which the recovered liquor was loaded.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J.)

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