

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39278 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- KONCH District- Gaya

Md Shahbaz Alam, Son of Mahfooz Alam @ Md. Mahfooz Alam, Resident of
Village - Haspura, P.S.- Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending his arrest in connection with Konch P.S. Case No. 143 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. As per prosecution case, during general election of Lok Sabha, checking of vehicles were being done, four persons riding a Creta vehicle were signaled to stop. On search of the said vehicle, 1.250 litres of country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Petitioner is the *bona fide* owner of the vehicle from which the recovery of liquor has been made. The



brother-in-law of the petitioner took his vehicle to Gaya and driver of his truck boarded the vehicle and he had been carrying liquor and was apprehended during search. Petitioner has no knowledge about the liquor recovered from his vehicle. Petitioner has nothing to do with the seized liquor and he is never involved in the liquor business. Moreover, the petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. 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 lack of substantive material to make out *prima facie* case under the provisions of Excise Act against the petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-IV, Gaya/ court concerned, in connection with Konch P.S. Case No. 143 of



2024, subject to the condition 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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