

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39932 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- GAUTAMBUDHNAGAR District- Siwan

Aashish Kumar @Ashish Kumar S/O Nandkishor R/O Village Ghurat near
Bihariji ka Mandir, P.S. Kotra, Distt-Jalaun, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Excise
Tr. No. 496 of 2024 arising out of G.B. Nagar P.S. Case No. 22
of 2024 instituted for the offences punishable under Sections
467, 468, 471 and 420 of the Indian Penal Code and Sections
30(a), 34, 36, 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 3209.250
litres of country-made foreign illicit wine was recovered from a
truck.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner. Learned counsel further submitted that petitioner is not the owner of the vehicle. It is further submitted that petitioner is only the driver of the vehicle in question and was unaware that the illicit liquor has been loaded in the vehicle. The petitioner is in custody since 25.01.2024 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Excise Tr. No. 496 of 2024 arising out of G.B. Nagar P.S. Case No. 22 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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