

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39421 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BAUNSI District- Banka

Mohan Kumar S/O Santosh Singh R/O VILLAGE KHAMHAR, POLICE
STATION- MUFFASIL, DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Special Excise Case No.142 of 2024 arising out of Bounsi P.S.
Case No. 73 of 2024, lodged under Section 30(a) Bihar Prohibi-
tion and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons that is owner and
driver of the vehicle from which recovery of 817.5 liter wine
has alleged to be made which is subject matter of the present
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that nothing incriminating has been recovered from his posses-



sion and his name has figured in this case only on the basis of suspicion.

5. Counsel for the petitioner submits that petitioner is in custody since 16.03.2024 having clean antecedent.

6. Counsel also submits that he is only driver and with a view to comply his owner’s order, he become accused in this case.

7. Learned counsel for the State opposes the prayer for bail and submits that recovery has been made from possession of the petitioner who is driver.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but 3 months 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 Additional District and Sessions Judge-II, Banka/ Court concerned, Banka, in connection with Special Excise Case No.142 of 2024 arising out of Bounsi P.S Case No. 73 of 2024 arising out of subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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