

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41134 of 2024

Arising Out of PS. Case No.-425 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Om Prakash Son of Sri Rampal Resident of Village - Aamla Sultanpur, P.S. -
Refinery, District - Mathura (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Excise P.S. Case No. 425 of 2024 registered for the

offences under Sections 30(a) and 32(3) of the Bihar

Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. and is

in custody since 05.05.2024.

4. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 216 litres of IMFL/country



made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of petitioner appears only for the reason being driver of car in issue from, where illicit liquor appears to be recovered. It is further submitted that nothing surfaced during the course of investigation, which may suggest that driver was under knowledge as to carrying consignment of illicit liquor and as such, it can be safely said that recovery of illicit liquor not appears to be made from the conscious physical possession of petitioner, who is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as, implication of petitioner appears, *prima facie*, only for the reason being a driver of the alleged vehicle, who is a man of clean antecedent, coupled with the fact that petitioner is in custody since



05.05.2024, accordingly petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 425 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Kaimur at Bhabhua, subject to the conditions as mentioned under section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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