

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47043 of 2024

Arising Out of PS. Case No.-113 Year-2022 Thana- FATEHPUR District- Gaya

Pintu Kumar Son Of Bhuneshwar Yadav @ Bhuneshwar Prasad Yadav
Resident Of Village- Ambatari, P.S.- Champaran, District- Hazaribagh.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramashish, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 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 Fatehpur P.S. Case No. 113 of 2022 registered on 07.03.2022 for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. As per prosecution case, police received information about a tempo carrying illicit liquor from Jharkhand. The said tempo was intercepted and its driver was apprehended. Apprehended co-accused Bajrangi Kumar named the petitioner who supplied him with the illicit liquor. From the tempo recovery of 79.5 litres of foreign liquor was made.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely



implicated in this case. Petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. Petitioner has nothing to do with the seized liquor or the tempo. Petitioner never indulged in trade of illicit liquor. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is instrumental in supplying the illicit liquor to the co-accused who was apprehended.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to make out *prima facie* case under the provisions of Excise Act against the petitioner and also considering the fact that no recovery has been shown from the petitioner coupled with his clean antecedent as well as 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 Excise Court No.4, Gaya/ court concerned, in connection with Fatehpur P.S. Case



No. 113 of 2022, 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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