

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50158 of 2024

Arising Out of PS. Case No.-4 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

=====

Chandan Kumar, Son of Mohan Thathera @ Munna Prasad Kasera @ Munna Prasad Keshri, Resident of Village -Purani Hospital Gali, Kali Mandir Harijan Mohalla, Police Station- Kabiya, District -Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shaukat Alam, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 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 Lakhisarai Excise P.S. Case No.4C2 of 2017 for the offence under Sections 30 (a), 32 (i) and 38 (ii) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, two persons carrying five bags were chased on suspicion and they tried to run away throwing the bags. However, one person was apprehended, whereas other person fled away from the spot. From the bags, recovery of 40 liters of country made liquor and 3.750 liters of India made foreign liquor was made. The name of the petitioner transpired during investigation as the person who fled away



from the spot.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person/ possession of the petitioner. The petitioner has been named in this case merely on suspicion on the basis of confessional statement of co-accused Vikash Kumar and there is no material against the petitioner to connect him with the offence as alleged. In these circumstances, no offence under the Excise Act is made out against the petitioner, who is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the possibility of false implication and his clean antecedent, let the petitioner above named 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties



of the like amount each to the satisfaction of learned Additional Sessions Judge -Vth- cum- Special Excise Court-2, Lakhisarai, in connection with Excise P.S. Case No. 4C2/2017, 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 below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

