

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56578 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- Excise P.S. District- Buxar

Sanoj Kumar S/o Baban Yadav R/o Kesath Ward no.6, P.S.-Nawanagar,
District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 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 Excise Dumraon P.S. Case No. 53 of 2024 registered on 16.04.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. As per prosecution case, in a drive against smuggling of illicit liquor, during checking, two persons tried to flee away leaving behind the motorcycle and a bag which they were carrying on the motorcycle. One of them was apprehended and the person riding pillion on the motorcycle fled away from the spot. From the bag, recovery of 10.800 litres of India made foreign liquor was made. Apprehended co-accused person disclosed the name of this petitioner who fled away from the



spot.

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 nothing incriminating has been recovered from his conscious possession. Petitioner has no concern either with the seized liquor or the seized motorcycle. Except for the confessional statement of apprehended co-accused, there is no material against the petitioner. No offence under the Bihar Prohibition and Excise Act is made out against the petitioner. Seizure list was not prepared as per the provision of Section 100 of Cr.P.C. Petitioner is having criminal antecedent of one case of similar nature.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and also considering the fact that no recovery has been shown from the petitioner 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 Special Excise Judge-2, Buxar/ court concerned, in connection with Excise Dumraon P.S. Case No. 53 of 2024, 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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