

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70299 of 2024

Arising Out of PS. Case No.-522 Year-2024 Thana- Excise P.S. District- Nawada

Abhinandan Jha Son of Jitendra Jha Resident of Vill- Sishwa, P.S.- Nagar,
District- Nawada, Bihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar

For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed, during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Excise Nawada P.S. Case No. 522/2024 registered for the offences punishable under Sections 30(a), 44 and 47 of the Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, there is alleged recovery of 60 liter Beer and 42 liter foreign liquor from the dickey of white car in question and the petitioner is said to have apprehended on the spot alongwith others.



5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 26.07.2024 and bears one criminal antecedent and the same has been disposed of. He further submits that the petitioner is not the owner of the alleged car in question and he is merely a driver of the said car and has no knowledge regarding the alleged liquor that has been kept in the dickey of the said car. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits that the seizure list has not been prepared as per the law. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Exclusive Special Judge, Excise Court No.-II,
Nawada in connection with Excise Nawada P.S. Case No.
522/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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