

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73106 of 2024

Arising Out of PS. Case No.-1995 Year-2024 Thana- Excise P.S. District- Patna

Upendra Kumar Son of Mahesh Prasad Resident of Village-Surangapur,
Police Station-Fatuha, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 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 (Prohibition) P.S. Case No. 1995/2024 registered for the offences punishable under Sections 30(a) & 56(b) of the Bihar Prohibition and Excise Act, 2016 and Amendment Act, 2022.

4. As per prosecution case, there is alleged recovery of 550 liters country made illegal liquor from Tempoo in question. The petitioner is said to have apprehended on the spot.

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 24.08.2024 and bears no criminal antecedent. He further submits that the petitioner is not the owner of the alleged vehicle in question. He is merely a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner has to follow the instruction of his owner to earn the livelihood. The petitioner has not concerned with the seized liquor. 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, keeping in view clean antecedent, 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 Special Judge
Excise Court-3rd, Patna in connection with Excise (Prohibition)
P.S. Case No. 1995/2024, 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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