

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76207 of 2024

Arising Out of PS. Case No.-577 Year-2024 Thana- MANER District- Patna

Nirala Kumar S/O Indar Dev Rai @ Indradev Ray R/O Village- Purani
Panapur, P.S- Akilpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Special Excise Case No. 2969 of 2024 arising out of Maner P.S. Case No. 577 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, police received secret information about transportation of illicit liquor by four wheeler pickup. Checking was started and two persons tried to flee away leaving behind their vehicle. One of them made good his escape whereas other one was apprehended. The apprehended person is the petitioner of this case. From the search of the four wheeler, recovery of 527.25 litres of foreign liquor was made.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is the driver of the pickup and at the request of the owner of the vehicle, the petitioner agreed to carry the vehicle from Bihta to Maner but he was not having knowledge about the consignment. The search and seizure has been made in contravention to the provisions of law. Otherwise the petitioner has no concern with the seized vehicle or the contraband. The petitioner is in custody since 28.08.2024 and is having clean antecedent.

5. Learned A.P.P. for the State 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 fact that the petitioner is stated to be the driver and further considering the period of custody of the petitioner coupled with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna/concerned court in connection with Special Excise Case No. 2969 arising out of Maner P.S. Case No. 577 of



2024, subject to the conditions mentioned in Section 437(3) 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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