

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75485 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- Excise P.S. District- Madhubani

Chhotu kumar Das, S/O Kishori Das, R/O Village- Milty Chowk @ Milki Chak, Ward No- 10, P.S- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Sadar Excise P.S. Case No. 241 of 2024 registered for the alleged offence under Section 30 (a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, during patrolling, police received secret information about transportation of illicit liquor. The police intercepted a Tempo and two persons tried to flee away from the spot, but they were apprehended after chase. From the middle seat of the Tempo, recovery of total 189 liters of country made Nepali liquor was made.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has nothing to do with the Tempo which was intercepted or the recovery of illicit liquor shown from the said Tempo. There is no independent witness to the search and seizure. Moreover, the Tempo is used as a passenger vehicle and any person could have kept the illicit liquor in the Tempo. The petitioner is in custody since 02.09.2024 and is having clean antecedent.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that recovery has not been shown from the person/possession of the petitioner and further considering the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani, in connection with Sadar Excise P.S. Case No. 241 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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