

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78142 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- BIHIA District- Bhojpur

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Shailesh Kumar @ Shailesh Prasad S/o Dharambir Prasad Resident of
Village- Gowal Bigha, Police Station- Karai Parsurai, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Bihiya P.S. Case No. 264 of 2024, registered for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

03. As per the prosecution case, recovery of 927.360 litres of India made foreign liquor was made from a pickup vehicle driven by this petitioner. The petitioner along with co-accused owner were apprehended from the said vehicle.

04. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not the driver of the vehicle as he has got no driving license. The petitioner took



lift on the vehicle and the driver fled away on seeing the police party and this petitioner was apprehended. Learned counsel further submits that co-accused, Bir Kumar, has been granted bail by this Court vide order dated 23.10.2024 passed in Criminal Misc. No. 75762 of 2024. The petitioner is having clean antecedent and is in custody since 24.08.2024. Charge sheet has been submitted against the petitioner.

05. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that petitioner was caught with the illicit liquor which he has been transporting on the vehicle.

06. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Bhojpur, Ara/concerned court, in connection with Bihiya P.S. Case No. 264 of 2024, subject to the condition laid down under 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 below, if so required by the learned trial court.
- (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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