

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83128 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- BAUNSI District- Banka

Chottu Rai @ Chhotu Rai Son of Indu Rai @ Indu Roy R/O Village- Keota,
P.S.- Dalsing Sarai, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Special Excise Case No.497/2023 arising out of Bounsi P.S. Case No. 265 of 2023 registered for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of 726.84 liters of illicit liquor from Pick-up van in question. The petitioner was apprehended on the spot and he disclosed the name of co-accused Raju Kumar Sah who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. Petitioner is neither driver nor owner of the said Pick up van in question. Petitioner is merely a conductor of the said van and he has been falsely implicated in this case merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 11.09.2023. Petitioner bears no criminal antecedent. He further submits that petitioner was not concerned with the seized liquor. Seizure list has not been prepared as per law.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka in connection with Special Excise Case No.497/2023 arising out of Bounsi P.S. Case No. 265 of 2023, subject to the 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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