

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81832 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Dhanej Kumar S/O- Harendra Yadav @ Harendra Chaudhari R/O- Ojhwalia,
P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-01-2024 Learned counsel for the petitioner has filed supplementary affidavit regarding the criminal antecedent of the petitioner, let it be kept on record.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 437/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

4. As per prosecution case, there was alleged recovery of 522 liters Banti Babli country made liquor from Scorpio vehicle in question and the petitioner was apprehended on the spot alongwith others.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner has nothing to do with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 26.09.2023. The petitioner bears criminal antecedent of one case in which he is on bail for which he has filed supplementary affidavit. 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. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, 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 Additional District and Sessions Judge-IV cum Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 437/2023, 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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