

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83784 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- SIMRI District- Darbhanga

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Kaushal Kumar @ Kaushal Kumar Sah Son Of Shatrohan Sah @ Shatrudhan
Sah R/O Village- Banauli, P.O.- Banauli, P.S.- Simri, Dist.- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Simri
P.S. Case No. 211/23 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016 and Amendment Act, 2018.

As per prosecution case, 90 litre foreign liquor was
recovered from Swift Dzire Car in question. It is further alleged
that petitioner along with three co-accused persons were
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is neither owner nor driver of



the vehicle in question. Petitioner has been apprehended by the police personnel merely on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. It is further submitted that petitioner has no knowledge about the alleged recovery from the said vehicle. Petitioner is in custody since 07.10.2023. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 Special Judge-II (Excise Act), Darbhanga in connection with Simri P.S. Case No. 211/23 , 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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