

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1403 of 2024

Arising Out of PS. Case No.-1171 Year-2023 Thana- KAHALGAON District- Bhagalpur

Saurabh Kumar Son of Ashok Kumar Resident of Village - Temabhella
Temabhella, Police Station- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kahalgaon (Ghogha) P.S. Case No. 1171/2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged
recovery of 60.480 liters foreign liquor from Alto car in
question and the petitioner was apprehended on the spot
alongwith others.

4. 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. Nothing has been recovered from the conscious



possession of the petitioner. The petitioner is languishing in custody since 12.10.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner nor driver rather he was merely a passenger of the said car in question. He further submits that the seizure list has not been prepared as per the law. He further submits that the petitioner was not concerned with the seized liquor. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No.1, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 1171/2023, 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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