

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85846 of 2023

Arising Out of PS. Case No.-1059 Year-2023 Thana- Excise P.S. District- West Champaran

Munna Kumar Son of Prayag Mahto R/o vill - Barwat Parsain, ward no. 36,
P.s. - Mufassil, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Police Station Case No. 1059 of 2023 registered for the offences
punishable under Sections 30(a) and 47 of the Bihar Prohibition
and Excise Act.

As per prosecution case, 327.36 litre foreign liquor
was recovered from Mahendra Bolero Pickup vehicle in
question and petitioner was apprehended on spot as driver of the
said vehicle.

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.
Basically no incriminating article has been recovered from



conscious possession of the petitioner. It is further submitted that petitioner is not the owner of the vehicle in question. Petitioner, being a driver, has to follow the instructions of owner to earn his livelihood. The alleged vehicle is a commercial vehicle which is used for carriage of goods and petitioner has no knowledge about the illicit liquor kept in the said vehicle. Seizure list has not been made as per law. Petitioner is in custody since 30.10.2023. Petitioner bears criminal antecedent of one case in which he is on bail.

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, 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 Learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Excise Police Station Case No. 1059 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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