

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3598 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- Excise P.S. District- Saran

Kunal Ram Son of Biswnath Ram R/o vill - Babhanlai, P.S. - Bihata, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Saran Excise P.S. Case No. 531 of 2023 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act .

3. As per prosecution case, 159.210 litre foreign liquor was recovered from the car in question and petitioner being a driver of the said car apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is in custody since 09.08.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits



that there is no compliance of Section 100 of Cr.P.C. Nothing has been recovered from the conscious possession of the petitioner. He further submits that said vehicle was hired for carrying the passenger and petitioner being a driver apprehended on the spot merely on the basis of suspicion. Petitioner has no knowledge that illicit liquor was being carried by the passenger and kept in the said vehicle. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes 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 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 1st Special Judge Excise, Saran at Chapra in connection with Saran Excise P.S. Case No. 531 of 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)

vashudha/-

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