

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3469 of 2024

Arising Out of PS. Case No.-861 Year-2023 Thana- KANTI District- Muzaffarpur

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Satyam Kumar @ Mrigank Shekhar son of Nikesh KUMar @ Nikesh Kumar
Shukla @ Nikesh Shukla Village -Serukahi PS- Kanti District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kanti
P.S. Case No. 861 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Act,2022.

As per prosecution case, 291.82 litre foreign liquor
was recovered from mini truck in question and petitioner was
not 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.
Petitioner was not apprehended on spot. It is further submitted
that the alleged occurrence took place on 03.11.2023 but on



basis of suspicion, petitioner was apprehended by police on 05.11.2023. From perusal of FIR it is evident that the name of present petitioner has transpired in this case on basis of secret information but it is not clarified in the FIR that who has given the secret information. Basically no incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made as per law. Petitioner is not in any way connected with the alleged occurrence. Petitioner is neither owner nor driver of the mini truck in question and he has no knowledge about the illicit liquor kept in the said vehicle. Petitioner is in custody since 05.11.2023. 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, petitioner was not apprehended on spot, 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



(Excise) Court No. II, Muzaffarpur in connection with Kanti
P.S. Case No. 861 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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