

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1089 of 2024

Arising Out of PS. Case No.-764 Year-2023 Thana- Excise P.S. District- Buxar

Shahnawaj Khan son of Subhan Khan @ Shubhaneer Resident of Village-
Bajardiha, P.S.- Bhelupur, District- Varanasi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Buxar Excise P.S. Case no.764 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 44 litres of beer/alcohol was recovered from the car of which the petitioner is said to be the driver and he along with others were arrested at the spot.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. He is merely a professional driver who was hired by the other persons for driving the vehicles. He did not know the contents of the goods loaded and has no concern with the seized alcohol.



He is in custody since 6.12.2023 and has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the alcohol was recovered from the vehicle being driven by this petitioner and he was taken into custody. It is further submitted that while rejecting the application for bail of the petitioner, the learned trial Court has granted liberty to renew his prayer for bail on framing of charge.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., his being arrested at the spot at the time of recovery of the alcohol in question, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. As directed by the learned trial Court in its order dated 16.12.2023, the petitioner shall be at liberty to renew his prayer for bail on framing of charge. If such an application is moved in the learned Court below, the same shall be considered on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

