

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32049 of 2025

Arising out of PS. Case No.-158 Year-2025 Thana- Excise P.S. District- Kishanganj

Ashok Kumar, S/o- Chhote Lal Gupta, R/o Village- Patel Nagar W.No-47, Ps-
Mithanpura Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the State : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Kishanganj Excise P.S. Case No. 158 of 2025 instituted for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act. He has no criminal antecedent.

3. As per the FIR, Bolero pick up vehicle was intercepted and two persons travelling on the same were apprehended, who disclosed their names as Ashok Kumar (Petitioner) and the other namely Suraj Kumar. On search total 862.92 litres of foreign liquor was recovered from the Bolero pick up vehicle.

4. It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case and he was merely a driver of the vehicle and the said vehicle is stated



to be a commercial vehicle and he was not aware of the contents which were booked for the same. It is further submitted by learned counsel for the petitioner that no incriminating article was recovered from the conscious possession of the petitioner. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 24.03.2025. Learned counsel for the petitioner undertakes to deposit a fine of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner was the driver of the said vehicle from which huge quantity of foreign liquor was recovered.

6. Considering the aforesaid submissions of learned counsel as well as undertaking given by the petitioner and taking into account the fact that the petitioner was the driver of the Bolero pick up vehicle and he has clean antecedent and is in custody since 24.03.2025, the petitioner above named, is directed to be released on bail on depositing a fine of Rs. 5,000/- (Five Thousand) before the Patna High Court Legal Services Committee and a receipt of the same shall be furnished before the learned court below at the the time of furnishing bail bond as well as after verification of commercial license of the Vehicle.



Thereafter, he shall furnish bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Kishanganj in connection with Special Case No. 166 of 2025 arising out of Kishanganj Excise P.S. Case No. 158 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

Vikash/-

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

