

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14332 of 2023

Applicant :- Arvind Kumar Dubey

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Civil Sectt. Lko

Counsel for Applicant :- Rakesh Kumar Modanwal

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

This application has been moved by the applicant with a prayer to enlarge him on bail in Case Crime No.193 of 2023, under Sections 419, 420 I.P.C. and 60 (1), 63, 72 U.P. Excise Act, Police Station Hathigawan, District- Pratapgarh.

It is argued by the learned counsel for the applicant that the applicant is shown to be mere a driver of the vehicle. He was not knowing the stuffs being transported in the vehicle. As the original driver, who had to go with the vehicle, could not go with the truck, so he was replaced for that driver. He is said to have transporting the liquor from Punjab to Bihar, while the place Police Station Hathigawan District Pratapgarh where he is said to have apprehended is not the way for going from Punjab to Bihar. The offence is triable by the court of the magistrate. The applicant is languishing in jail since 26.09.2023, hence, the prayer of bail is made.

Learned A.G.A., however, opposed the prayer and submitted that the applicant is having criminal history of three cases apart from the present case. As the liquor is banned in Bihar, 3624 liters liquor was being supplied from Punjab to Bihar by the present applicant, by hiding the same in the cloth sacks. It is the profession of the applicant to supply banned liquor to Bihar.

Regarding criminal history, it is submitted that the applicant was on bail, though, no bail order has been placed before the Court.

From the perusal of the record, it is found that when the applicant was arrested from the vehicle, illegal liquor was recovered by the police, which according to the confessional

statement of the driver was being transported from Punjab to Bihar. Regarding criminal history, there is no other case under Excise Act pending against the applicant. Rest three cases are under Sections of IPC and Arms Act. The applicant is languishing in jail since 26.09.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant, **Arvind Kumar Dubey**, who is involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

1. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge himself in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 6.12.2023

Radhika