

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41756 of 2016

Arising Out of PS.Case No. -91 Year- 2016 Thana -SONO District- JAMUI

1. Umesh Singh Son of late Brahmdeo Singh Resident of Village -
Abhirampur Jugri, PS Sono, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Md. Ansarul Haque

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 06-10-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 272 and 273 of the I.P.C and section 47
(A) (F) of the Bihar Amendment Excise Act, 2016.

Allegedly, on getting information the informant and
other police personnel reached at the line hotel Batiya and found
that a vehicle was standing there and two persons were sitting in
the vehicle. Both the two persons sitting in the vehicle were taken
into custody and in presence of the witnesses 25 plastic bags
covered with Tripal kept under Pipes were recovered and when it
was opened 200 pouches each containing 200 ml. country made
liquor were found kept in each bags and in total 25 bags 5000



pieces country made liquor manufactured by the Jharkhand Government were recovered. Both the apprehended persons disclosed their names and addresses. It is further stated that the country made liquor loaded in the vehicle was of Diwakar Singh @ Kallu Singh and Amit Singh and he always got the country made liquor brought from the Jharkhand and both of them jointly run the business of selling the same, but seeing the police party both had fled away. The petitioner was driver of the vehicle. The petitioner is not owner of the seized liquor rather the same belongs to one Diwakar Singh who is owner of the vehicle. The petitioner has got no business of selling the country made liquor rather he is only driver of the vehicle and without his knowledge country made liquor was loaded in the vehicle. The mandatory provision contained in section 82 of the Act has been violated and the petitioner is suffering in custody since 11.07.2016 without any fault. Amit Singh who is the business partner of Diwakar Singh has been allowed anticipatory bail by the learned court below itself vide A.B.P. No. 699 of 2016. The petitioner is the driver of the vehicle, the petitioner is not the owner of the said vehicle and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above,

considering detention of the petitioner and further charge sheet has already been submitted and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Jamui in Sono P.S. Case No. 91 of 2016/ G.R. No. 1146 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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