

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1969 of 2017

Arising Out of PS.Case No. -608 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Laltu Yadav Son of Baleshwar Prasad Yadav Resident of Baijnathpur,
Police Station- Saurbazar District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj
Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

3 23-02-2017 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 offence
punishable under section 30 (a) of the Excise Act (Amendment),
2016.

The petitioner being the driver of silver coloured
Sentro Car was arrested, whereas, one person succeeded in fleeing
away and from that Car 15 cartoons foreign liquor and from the
pocket of the petitioner amount of Rs. 580/- and Nepali currency
of Rs. 5/-, two ATMs of the State Bank, driving license, Aadhar
Card and two passport size photos were recovered.

Submission is that the petitioner is a poor driver, he



has got no knowledge regarding the wine kept in the cartoon, the owner of the vehicle succeeded in fleeing away, the petitioner without any fault is suffering in custody since 07.11.2016 and as such the petitioner deserves sympathetic consideration, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail of the petitioner.

In the facts and circumstances as stated above, considering detention of the petitioner, now he 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 C.J.M. Bhagalpur in Kotwali (Barari) P.S. Case No. 608 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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