

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 4167 of 2020**

Arising Out of PS. Case No.-286 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Bhagalpur

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Dharam Kumar Thakur aged about 26 years, Male, Son of Sri Ram Naresh Thakur Resident of Mohalla- Baba Nagar, P.S.- Chas, District- Bokaro, at present residing Village- Amritpur, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Veena Rani Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2. 23-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Excise Case No. 286 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 822.6 liters of foreign liquor from one Mahindra Bolero vehicle, having registration no. JH09DL-6661, and petitioner is said to be driver of the said vehicle.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession. Petitioner is simply a driver and he was unaware of the nature of consignment. It is further submitted that mandatory provision of Section 100



Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 21-12-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge, Excise Act, Bhagalpur in connection with Excise Case No. 286 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

**(Prabhat Kumar Singh, J.)**

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