

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17418 of 2020

Arising Out of PS. Case No.-38 Year-2019 Thana- DURAULI District- Siwan

Sanjeev Kumar, aged about 30 years (M), Son of Subhash, Resident of Village - Mundlana, P.S. - Gohana, District - Sonipat (hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Darauli P.S. Case No.38 of 2019 dated 06.03.2019 instituted under Sections 272, 273, 420, 120-B of the Indian Penal Code and Sections 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he was driving a container truck from which 3447.720 litres of foreign liquor was recovered.



5. Learned counsel for the petitioner submitted that he is only the driver of the truck and is resident of the State of Haryana. It was submitted that the petitioner is in custody since 07.03.2019. Learned counsel submitted that earlier prayer for bail was rejected by a co-ordinate Bench on 07.08.2019 in Cr. Misc. No.48182 of 2019, but there was a direction for expediting the trial with further observation that the petitioner may renew his prayer for bail after six months of framing of charge. Learned counsel submitted that despite charges being framed on 09.08.2019, no witness has yet been examined.

6. Mr. Jharkhandi Upadhyay, learned APP submitted that huge quantity of foreign liquor was recovered from the container truck driven by the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge cum Special Judge, Excise, Siwan, in Darauli P.S. Case No.38 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good



behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

