

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23245 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Viresh Kumar @ Brijesh Tyagi Son of Shyam Lal Resident of House No.32,
Gali No.2 Brahmpuri, Ghukna Mod, Ghaziabad, P.O.-Nandgram, P.S.-
Ghaziabad, District-Ghaziabad (U.P.)

Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Ashok Kumar Garg, Advocate

For the Opposite Party : Mr. Anil Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in a case registered for the
offence punishable section 30a of the Bihar Excise and
Prohibition Act.

Petitioner is said to be a driver of the DCM truck from
which 5052 liters of illicit liquor has been recovered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He is merely a driver and was not aware of the
consignment being transported from the truck. Petitioner is no
way concerned with the recovery. The mandatory provision of
law for search and seizure given under section 100 Cr.P.C. has
not been followed. Petitioner has got no criminal antecedent
and he is in custody since 10.3.2020. Charge sheet has also been



filed in the case, as such, there is no chance of tampering with the evidence.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 Additional Sessions Judge V cum Special Judge, Excise Act, Kaimur at Bhabua in Durgawati Police Station Case No. 73 of 2020/Excise Case No.221/2020 on the following conditions:-

(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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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