

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28983 of 2020

Arising Out of PS. Case No.-110 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Hira Lal @ Heera Lal, S/o Prakash Chandra @ Prakash Chaudhary, Resident
of Village-Samerpur, P.S.-Samerpur, District-Pali, State-Rajasthan and at
present Resident of Tilward, P.S.-Ramgadh, State-Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-12-2020 Since as of now the Courts have not resumed normal

physical hearing, the matter has been listed today for

consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Complaint Case No.110C2/2020 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.



The prosecution case is that 3780.720 litres illicit liquor has been recovered from the truck being driven by the petitioner.

Petitioner's counsel submits that the petitioner, even as per the prosecution case, is a *bona fide* Driver. The liquor has been recovered hidden in between the bags of rotten rice. The petitioner was not having any knowledge that the liquor has been concealed. He has lent his professional service as a Driver without any knowledge that the liquor was also lodged in the truck in question. The petitioner has been arrested on 28.06.2020, but was remanded to judicial custody on 03.07.2020 after unreasonable delay. This points to the falsity of the allegation. He is having no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned A.D.J. 2nd cum-Special Judge, Bihar Prohibition and Excise Act, Begusarai, in connection with



Complaint Case No.110C2/2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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