

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32826 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Ishrar, S/o Asgar, R/o village- Ratod Bibipur, Jamalabad, P.S.- Bhimana,
District- Samali (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Zainul Abadin, A.P.P.

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

2 08-12-2020 Heard learned counsel for the parties through Video Conferencing.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a), 32(2) and 41(1) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, 2619.36 liters of foreign liquor has been recovered from a truck and petitioner was driver of the same.

It is submitted on behalf of the petitioner that nothing has been recovered from the physical possession of the petitioner. It is further submitted that petitioner was simply driver of the truck and was not aware of the illegal consignment. Petitioner is in custody since 22.01.2020. Petitioner has got clean antecedent as stated in paragraph no.3 of the petition.



However, learned A.P.P. for State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case and period of custody, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise in Kuchaikote Police Station Case No. 22 of 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)

Ankit/-

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