

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14674 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- CHARPOKHARI District- Bhojpur

VIMLESH KUMAR YADAV S/O GURU CHARAN SINGH R/O
VILLAGE-DILIYA, P.S-TARARI, DISTRICT-BHOJPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh,Advocate

For the Opposite Party/s : Mr.Shailendra Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Shailendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Excise Case No. 2097 of 2020 arising out of Charpokhari P.S. Case No. 232 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018

Learned counsel for the petitioner submits that the police party intercepted a car from which 128 liters of illicit liquor was recovered. It is submitted that the petitioner was driving the said car.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present



case. It is submitted that the petitioner was driving the said vehicle at the instruction of the owner and had no knowledge about the illicit liquor. The petitioner is in custody since 29.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner in the present case is said to be a driver of the vehicle in question from which the illicit liquor is said to have been recovered, the submission being that the petitioner was working on the instruction of the owner of the vehicle and had no knowledge about the illicit liquor concealed in the vehicle and in that way he was himself cheated by the owner, the petitioner is in custody in connection with this case since 29.12.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future, considering all these aspects, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV-cum-Spl. Judge Excise, Bhojpur at Ara in connection with Excise Case No. 2097 of 2020 arising out of Charpokhari P.S. Case No. 232 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

