

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22850 of 2021

Arising Out of PS. Case No.-92 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Satyandra Kumar, S/o Sri Mahabir Mahto Resident of Village - Bademakka,
P.S. - Ichak, Distt. - Hajaribag.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioner as well as

learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Excise
Complaint Case No.92 of 2020 registered under Section 30(a) of
Bihar Prohibition & Excise Act, 2016 as amended up-to-date.

Prosecution case in short is that, informant who is
police official while he was engaged in checking of vehicle a
bolero was intercepted bearing registration no.JH02AY 9872,
two persons including the petitioner was arrested and 441 liters
of illicit foreign liquor was recovered from the vehicle.

Learned counsel appearing on behalf of the petitioner
submits that he has falsely been implicated in this case. The



above vehicle is not registered in his name. He is only driver of the vehicle and he was not aware that altogether 441 liters of illicit foreign liquor was loaded on the said pick up van. He was only required to deliver the same to the respective destination for which the vehicle was put. Learned counsel for the petitioner further submits that petitioner has clean antecedent and is in custody since 06.11.2020 and as such deserves to be released on bail.

Learned counsel appearing on behalf of the State submits that huge quantity of illicit foreign made liquor has been made from the vehicle and the petitioner was present at the time of the said recovery and as such the petitioner is not required to be released on bail, taking into consideration that recently several cases of tragedy has been reported and as such it cannot be said that the said seized liquor is not spurious one and people at large after consumption will die and as such petitioner do not deserves to be released on bail.

Having considered the facts and circumstances of the case, submission made by the learned counsel for the petitioner, let petitioner be released on bail subject to the condition that he furnish a Bank Draft of Rupees Two Lacs in favour of Bihar State Legal Services Authority, Patna. If he fulfill such



condition, let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Ind, Banka in connection with Excise Complaint Case No.92 of 2020, subject to the following condition:-

(1) If the petitioner is in future or during the trial of this case he has not involved in any such similar illegal trade of liquor then the said amount after considering the content of the petitioner be released by the court below after considering all the facts and antecedent of the petitioner.

(2) One of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(3) If the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

(5) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

Prakash Narayan /-

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