

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25667 of 2021**

Arising Out of PS. Case No.-505 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

PAPPU KUMAR RAM SON OF AMARJIT RAM VILLAGE TIRBIRAWAN
PS TOWN DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 26-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

Petitioner who is in custody since 28.12.2020 seeks
regular bail in connection with Kuchaikote P.S. Case No. 505 of
2020 registered for offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

Case of the prosecution in brief is that about 540 litres
of illegal wine was recovered from the vehicle bearing
Registration No. BR 06 L8305.

Learned counsel on behalf of the petitioner submits that
vehicle is registered in the name of accused no. 2 named in the
FIR and the petitioner is the driver of the said vehicle. Learned



counsel on behalf of the petitioner further submits that the petitioner should not be held liable in this case as he had no knowledge of such illicit liquor loaded on the said vehicle. It has further been submitted that petitioner was forced to put signature on the seizure list by the police officer. It has further been submitted that the two witnesses to the seizure list are not independent witnesses rather they are the police personnel and hence the petitioner prays for bail.

Learned A.P.P., however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case, allegation made in the FIR as well as the seizure list and the submission made on behalf of the petitioner that petitioner is the driver of the vehicle and he has no connection with the alleged trade of the liquor which is evident from the FIR itself that the vehicle bearing Registration No. BR 06 L8305 is registered in the name of accused no. 2, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Gopalganj in connection with Kuchaikote P.S. Case No. 505 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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