

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36615 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Niranjan Prasad Son of Late Nageshwar Prasad Sah Resident of Village-
Hathgarh, P.S.- Hansdiha, District- Dumka, State- Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Rajendra Singh Shastri

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

2. 16-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Excise Case No. 23 C³ of 2021, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

675 liters of foreign liquor has been recovered from a pick-up van, of which, this petitioner was driver and apprehended on spot.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner, being driver of the vehicle, was unaware about the nature of consignment and was simply driving the vehicle, as per instruction of owner. Petitioner has got clean antecedent and is in custody since 06.03.2021. Chargesheet has been submitted.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation, clean antecedent and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Special Judge, Excise, Khagaria in connection with Excise Case No. 23 C³ of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.)

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