

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37163 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Chetan Kumar Saini @ Chetan S/O Ram Kumar Saini R/O Village-
Bahadurpur Tehsil, Nagina, Distt.- Bijnaur (U.P.), At Present Resident Of
House No.- 14, Street No. 04, Raja Garden, P.S.- Rajauri Garden, Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the
defects, as pointed out by the office, within four weeks of resumption
of normal court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in connection with Industrial Area
P.S. Case No. 36 of 2021 registered for the offence punishable under
Sections 30 (a), 36, 41(i) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious physical
possession of the petitioners rather 5337.720 liters of illegal foreign
liquor is said to have been recovered from the truck bearing



registration No. MP09KD 9353. He submits that petitioner is not the owner of the truck as well as liquor recovered there from. As a matter of fact the petitioner being a free lance driver was hired by the co-accused *Gopal Raut @ Rajveer* to carry the consignment to Bihar after taking the same from *Md. Ali* and the truck belongs to Arjun Sade of India. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and he is languishing in custody since 20.02.2021.

Petitioner is agreed to deposit a sum of Rs. 1,00,000/- (Rupees One Lakh) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor Court in connection with Industrial Area P.S. Case No. 36/21 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs. 1,00,000/- (Rupees One Lakh) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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