

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41260 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

Shiv Kumar Son of Khakhar Yadav Resident of Village - Shankarpur, P.S.-
Matihani, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Mr.Md.Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Excise Case No. 9C3 /
2021, registered for the offence under Section 30(a) & 56(B) of
Bihar Prohibition and Excise Act.

630 liters of illicit foreign liquor has been recovered
from a truck, 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, was unaware about the nature of
consignment and he was simply following the instruction of the
owner. Petitioner has got clean antecedent and he is in custody
since 27.01.2021. Investigation is complete.



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

Considering the nature of allegation 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 Additional District and Sessions Judge II cum Special Judge, Excise Act, Khagariya in connection with Excise Case No. 9C3 / 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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