

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39201 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Omprakash Son of Mangay Ram Resident of Village - Virhikala, P.S. -
Charkhi Dadri, District - Bhiwani, State - Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 01-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kuchaikot P.S. Case No. 25 of 2021, registered for the offence under Sections 420, 467, 468/34 of the Indian Penal Code and Section 30(a) / 41(i) of Bihar Prohibition and Excise Act.

2394 liters of illicit foreign liquor has been recovered from a truck, of which, this petitioner was driver and arrested 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 truck, was unaware about the nature of consignment and was simply following the instruction of the owner. Petitioner has got clean antecedent and he is in custody since 13.03.2021.

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 Addl. District and Sessions Judge-II cum Special Judge Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 25 of 2021, on the following conditions:

“(1) One of the bailor would be local resident having immovable property within the jurisdiction.

(2) 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.

(3) 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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