

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37232 of 2020

Arising Out of PS. Case No.-146 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Jitendra Kumar Ram, son of Laddu Lal Ram, Resident of Village- Bishunpur,
P.S.- Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2021 Heard learned Counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with
Government Official Case No.146 of 2020 registered for the
offence punishable under Sections 30(a) and 56(b) of the Bihar
Prohibition and Excise Act, 2016.

Since 14.08.2020 the petitioner is in custody in
connection with this case lodged on the basis of recovery of
1170 liters country made liquor from a pick-up van. The
petitioner is alleged to be the Driver of the vehicle.

Petitioner's counsel submits that it is a case of false
implication. Even as per the prosecution case, the owner of the
vehicle was also allegedly travelling in the vehicle, but he fled



away. The petitioner being a poor person was rendering his professional services as Driver without knowledge regarding contents of the pick-up van. Since, as per the prosecution case, he was accompanied by the owner of the vehicle, he has become a victim of circumstances and has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional District & Sessions Judge II-Cum-Special Judge, Nawada, in connection with Government Official Case No.146 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will



be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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