

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2001 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

Manoj Mahato @ Manoj Mahton Son Of Late Ram Bahadur Mahto Resident
of Village - Gangraho, Ward No.02, P.S.- Bakhri, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Arjun Prasad, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bakhri P. S. Case No. 332 of 2021
registered for the offences punishable under Sections 120(B) of
the Indian Penal Code and Section 30 (a) of Bihar Prohibition



and Excise Act.

As per the prosecution case, it is alleged that on a secret information that a ten wheeler truck bearing registration No. BR11L-8911 carrying illicit liquor was going through Jokiyahi bridge. The Police seized the truck and on search being made altogether 2964.96 litres Indian made foreign liquor was recovered. It is also alleged that the aforesaid truck was being driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither the owner of the truck nor the consigner of the goods and even as per the sake of the allegation that he being a driver of the truck was not aware as to what was loaded in the said truck by the consigner. It is further submitted that the seizure list was prepared in the police station and it is not in accordance with procedure established under the Cr. P. C. It is also submitted that this petitioner having fair antecedent and is in custody since 18.11.2021 and further, the investigation has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge consignment of Indian made foreign liquor has been recovered



from the truck, which was being driven by this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner being driver of the truck was not aware as to what was loaded in the truck by the consigner, apart from that the petitioner having clean antecedent and is in custody since 18.11.2021 and moreover, the investigation has already been concluded and charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Begusarai in connection with Bakhri P. S. Case No. 332 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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