

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2039 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- DANIYAWAN District- Patna

Mukesh Kumar Verma, Son of Krishna Verma, Resident of Village- Jhirjhiri,
Moholla- Vakhsidhi Road, P.S. - Town, District- Giridih, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Rukhaiyar, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Mayank Rukhaiyar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Daniyawar P.S. Case No. 121 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police, on a secret information, apprehended two Pick-Up vans along with their drivers and from one Pick-Up van, bearing registration no. JH11Y 3821, total 628.56 litres of foreign liquor was recovered. It is also alleged that the said vehicle was being



driven by the petitioner and he has confessed his involvement in the illegal trade of illicit liquor.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the vehicle nor the consigner of the said articles and further he being driver of the said Pick-up van had no concern with the materials, which is said to be allegedly recovered from the vehicle, in question. It is also submitted that this petitioner has fair antecedent and is in custody since 10.09.2021, apart from the fact that the investigation of the crime 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 quantity of illicit foreign liquor has been recovered from the vehicle, which was being driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is the driver of the said vehicle and he was not aware as to what was loaded by the consigner, apart from the fact that the petitioner is in custody since 10.09.2021 having fair antecedent and moreover, the investigation has already been concluded and charge-sheet has been submitted in this case, let



the petitioner, named above, 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, Patna in connection with Daniyawan P.S. Case No. 121 of 2021 subject to the condition that one of the bailors will be the close relatives 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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