

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3042 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- KALER District- Jehanabad

Ashish Kumar Saw Son of Sanjay Saw Resident of Village - Lakhanpur, P.S.-
Tarapur, District - Munger (Bihar). At present R/o Mohalla - Baglata Katal
More, P.S. Ratu, District - Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 30(a), 36/42 of the Bihar
Prohibition and Excise Act.

Allegedly, 1001 bottles containing 750.75 litres of
foreign liquor of different brands were recovered from a Tata
truck and petitioner was arrested at the spot and as per prosecu-
tion he was found driving the said vehicle.

The main submissions advanced by learned counsel



for the petitioner are that at the time of recovery of alleged wine petitioner was simply driving the alleged vehicle having no knowledge of the loaded wine and one person who happens a friend of this petitioner persuaded this petitioner to bring cow kuti (animal fodder) from Ranchi by handing over the alleged vehicle and on believing this the petitioner took the said vehicle and started traveling but in the meantime, he was arrested with the alleged wine but he had no knowledge of the said contraband. Further submission is that there is no criminal antecedent against the petitioner and he has been rotting in jail since 11.12.2021 and the investigation has been completed in respect of the petitioner and petitioner is a driver by profession.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and petitioner's clean antecedent as mentioned in para no. 3 of the petition and considering his custody period, let the 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 concerned Court in connection with Kaler P.S. case No. 84 of 2021 on the following conditions:-

(1) Petitioner shall co-operate 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 tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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