

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5085 of 2022

Arising Out of PS. Case No.-792 Year-2021 Thana- KAHALGAON District- Bhagalpur

Bikash Kumar Son of Bindeshwar Mandal Resident of Village- Pakki Saray
Pirbaba Asthan, P.S. (Ghogha) Kahalgoan, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Kahalgaoon (Rasalpur) P.S. Case No. 792 of 2021 registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 18.11.2021.

The allegation against the petitioner, who is the
driver of the alleged vehicle, wherein, recovery of 300 litre of
illicit country made liquor was made.

Learned counsel appearing on behalf of the



petitioner submitted that there is nothing surfaced during course of the investigation, which may connect the petitioner with the alleged recovery or to suggest that the petitioner was under knowledge about the consignment having illicit country made liquor being the driver of the alleged vehicle. It has further been submitted that the petitioner is a man of clean antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail, fairly conceded the fact that the petitioner is a driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as petitioner is driver of the alleged vehicle coupled with the fact as nothing surfaced during the course of the investigation, which may connect the petitioner in the present case or suggest that the petitioner was under knowledge about the consignment of illicit country made liquor, let the petitioner, above named, are directed to be released on bail in connection with Kahalgaon (Rasalpur) P.S. Case No. 792 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-II-cum-Special



Judge (Excise Act), Bhagalpur subject to the following conditions:

“(i) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Brother-in-law of the petitioner, namely, Ajay Mandal, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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