

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5413 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- AMBA District- Aurangabad

Sanjay Kumar @ Mantu Son of Durga Ram Resident of Village- GLA
College, Baralota, P.S.- Daltenganj, District- Daltenganj, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-07-2022 At the outset, learned counsel for the petitioner seeks
permission to make necessary correction in paragraph no. 14 of
the present application.

Permission is accorded.

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. Santosh Kumar Pandey, learned counsel
for the petitioner and Mr. Mritunjay Kumar Nirala, 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 Amba P. S. Case No. 179 of 2021
registered for the offences punishable under Sections 30 (a) of



the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted a bus having registration no. JH-03V-0086, which was said to be going to Aurangabad from Hariharganj. On search being made, total 300 litres illicit wine in forty cartoons and five plastic gunny bags was recovered. It is further alleged that the aforesaid bus was being driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be a driver of the bus in question, from where recovery is said to have been made. It is further submitted that he being the driver was not even aware as to what was being carried by the passengers as the recovered articles were kept in a cartoon and plastic bags. It is also submitted that the bus in question, was a state carriage running on a valid licence and there is no other material come during the course of investigation, which suggests the complicity/connivance of the petitioner in the present crime. It is next submitted that the investigation is already completed and the charge-sheet has been submitted, though the petitioner is in custody since 30.10.2021, having fair antecedent.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the huge recovery of counter-made liquor has been made from the roof top of the bus, which was being driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the petitioner being driver of the bus was not aware as to what was being carried by the passengers and moreover, this petitioner having fair antecedent and he is in custody since 30.10.2021, apart from that the investigation is already completed and the 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-1st, Aurangabad in connection with Amba P. S. Case No. 179 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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