

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5244 of 2022

Arising Out of PS. Case No.-556 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Gopal Singh Jakhada S/o Shyam Lal @ Shyam Lal Jakhada R/o village- Ward
No. 5, Danta Ramgrah, Nada Charanwas, P.S.- Khatu Shyam Ji, District-
Sikar (Rajashtan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate.

For the Opposite Party/s : Mr. Yugal Kishore, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 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. Parwej Khan, learned counsel for the
petitioner and Mr. Yugal Kishore, 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 Mohania P. S. Case No. 556 of 2021
registered for the offences punishable under Sections 420, 467,
468, 471 read with 34 of the Indian Penal Code and Section
30(a), 36, 41(I) 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 truck bearing registration no. UA06H-3965 with the help of Police personnel. On search being made, a huge quantity of 3268.08 litres illicit wine was recovered. The petitioner is said to be driver of the said vehicle, It is further alleged that the petitioner disclosed that he was given Rs. 20,000/- to deliver this consignment in Patna. It is also alleged that the papers regarding ownership of the truck was also found forged on verification.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner being driver of the truck, in fact, was not aware that as to what was loaded on the truck by the consigner. It is further submitted that this petitioner was not even acquainted that liquor is prohibited in the State of Bihar as he is a resident of Rajasthan. It is next submitted that neither the truck belongs to this petitioner nor the loaded recovered wine. It is lastly submitted that this petitioner is in custody since 05.12.2021 and the investigation of the crime has already been completed and the charge-sheet has been submitted. Learned counsel for the petitioner fairly submits that the petitioner is ready to give undertaking that he will remain present during the course of trial and ready to furnish a personal bond before the



court below.

On the other hand, learned APP for the State opposes the bail application and submits that a huge recovery has been made from the truck, which was driven by this petitioner apart from that the petitioner is a resident of Rajasthan and if he would be enlarged on bail, it is difficult to secure his attendance.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a truck driver and as per his statement, he was not aware with regard to the articles, which was loaded in the truck by the consigner. Further, this petitioner is in custody since 05.12.2021 though, the investigation of the crime has already been completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Kaimur at Bhabua in connection with Mohania P. S. Case No. 556 of 2021, subject to the condition that one of the bailors will be either wife or brother 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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