

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5741 of 2022

Arising Out of PS. Case No.-1689 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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AWDHESH KUMAR SON OF RAMANAND SINGH R/O VILLAGE-
GAUSPUR IJARA, P.S.- HAJIPUR SADAR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under section 30(a) of the Bihar
Prohibition and Excise Amendment Act.

Allegedly, 880.2 liters of foreign liquor was recovered
from Mahendra pickup van and petitioner was found driving the
said van.

The main submissions advanced by the learned
counsel for the petitioner are that petitioner has been
languishing in jail since 28.11.2021, after completion of
investigation, charge has been framed in respect of the petitioner
by the trial court and petitioner has got clean antecedent and he



was not knowing what was loaded in the van and he was simply hired by co-accused to carry the articles.

Learned APP opposes the prayer for bail.

Having considered the above submissions and stage of the case which is under trial and the same is at initial stage and charge has been framed as per above submissions and as per para 3 of the petition, he has clean antecedent and he is driver by profession, in my view, a lenient approach may be taken in respect of the petitioner. 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 the Exclusive Special Excise Court No. II, Aurangabad in Excise Case No. 1689 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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.

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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