

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7151 of 2022**

Arising Out of PS. Case No.-179 Year-2021 Thana- MEHANDIA District- Jehanabad

Chena Ray @ Chena Ram Son of Punma Ram Resident of Village - Sanguna
Kuan, P.s.- Barmer Town, Distt.- Barmer. (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 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 Mehendia
P.S. Case No. 179 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.11.2021.

The allegation against the petitioner is to have in
possession of 3798 liters of foreign made liquor, which was
recovered from a vehicle bearing Registration No. UK 08 CA
9558.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is the driver of the vehicle and was unaware of the consignment, loaded in the vehicle. It has further been submitted that the recovery has not been made from the conscious physical possession of the petitioner. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent, moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is the driver of the vehicle.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest that petitioner was aware of the consignment, loaded thereof coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Mehendia P.S. Case No. 179 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 Sessions Judge-II-cum-Special Judge, Excise, Jehanabad, subject to the following conditions:



“(i) Accused/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 Punma Ram, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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