

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7945 of 2022

Arising Out of PS. Case No.-676 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Vikash Kumar Son of Dasharath Ray Resident of Village -Khagani, P.S-
Turkauliya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with

Turkauliya (Banjariya) P.S. Case No. 676 of 2021 registered for

the offence under Sections 272, 273 and 34 of the Indian Penal

Code and Sections 30(a), 38 and 41(i) of the Bihar Prohibition

and Excise Act.

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

custody since 31.08.2021.

It is alleged that 522.72 liters of foreign liquor was

recovered from pick van and petitioner was apprehended at the

spot, who is the driver of the pick van.

Learned counsel appearing on behalf of the



accused/petitioner submitted that petitioner is innocent and has falsely been implicated in this case. It is further submitted that petitioner is the driver of the vehicle and had no knowledge of what was loaded in the pick van. While arguing over the matter, it is further submitted that no recovery has been made from the physical possession of the petitioner. It is further submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State fairly conceded as no recovery has been made from physical possession of the accused/petitioner and petitioner is a man of clean antecedent.

Considering the facts and circumstances as mentioned above as petitioner is the driver coupled with the fact that no recovery has been made from physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Turkauliya (Banjariya) P.S. Case No. 676 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence



till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail of the petitioner.

(ii) That one of the bailors shall be the close relative of the accused/petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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