

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10172 of 2022

Arising Out of PS. Case No.-666 Year-2021 Thana- MAHUA District- Vaishali

Harchand S/O Bhera Ram R/o village- Rawatser, P.S.- Sadar Barmer, District-
Barmer (Rajsthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 666 of 2021 registered for the offence under
Section 414 of the Indian Penal Code and Sections 30(a), 32(i),
32(iii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.11.2021.

As per the prosecution case, 4860 liters of foreign
liquor was recovered from a truck bearing Registration No. NL
01 L0563 and petitioner is the driver of the truck.



Learned counsel appearing on behalf of the petitioner submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. It has further been submitted that nothing surfaced during the course of investigation which suggest that petitioner had knowledge about the consignment. It has also been submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that accused/petitioner is the driver of the said truck.

Considering the facts and circumstances as mentioned above, as petitioner is the driver of the alleged truck coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 666 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 Special Court, Excise Prohibition Court-II-cum-Additional District and Sessions Judge, Hajipur, Vaishali, subject to the following conditions:

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



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

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented 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 duly supported by the documents.

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

(Chandra Shekhar Jha, J)

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