

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12432 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Abhishek Kumar Son of Jeevan Prasad Sah Resident of Village- Rakhabagni,
Boganchar, P.S. and District- Dumka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 Excise

Complaint Case No. 145 of 2021 registered for the offence

under Sections 30(a) and 32 (2) of Bihar Prohibition and Excise

Act, 2016.

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

custody since 21.12.2021.

The allegation against the petitioner is to drive a

vehicle loaded with 360 liters of illicit IMFL.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is the driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that the petitioner was under knowledge that alleged vehicle was loaded with illicit IMFL. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has also been submitted that investigation is complete and 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 the petitioner is the driver of the vehicle.

Considering the facts and circumstances as mentioned above, as the the recovery has not been made from the conscious physical possession of the petitioner, who is the driver of the alleged vehicle and a man of clean antecedent 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 Excise Complaint Case No. 145 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 5th Additional Sessions Judge, Banka, 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 Ashish Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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