

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10736 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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SUKHDEO SINGH Son of Karnail Singh Resident of Village - Churchak,
P.s.- Kalerkalan, Distt.- Gurudaspur, Punjab.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 Supplementary Affidavit has been filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kazi
Mohammadpur P.S. Case No. 299 of 2021 registered for the
offences punishable under Sections 30(a)/36/41(i) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, 4383 litre foreign liquor
was being recovered from truck in question wherein the said
truck is driven by the petitioner and he has been apprehended on



spot.

Learned counsel for the petitioner submits that petitioner is in custody since 14.10.2022. Petitioner bears criminal antecedent of one case of similar nature as he has mentioned in para 4 of the supplementary affidavit in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has nothing to do with the alleged article. Nothing was recovered from conscious possession of the petitioner. The petitioner is merely a driver of said truck. There is nothing on record to show that the petitioner is involved in the commission of excise case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Kazi



Mohammadpur P.S. Case No. 299 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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