

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12799 of 2022

Arising Out of PS. Case No.-280 Year-2020 Thana- BAHERI District- Darbhanga

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RAM JATAN SINGH @ RAUDI SINGH S/o Late Shaukhi Singh R/o
village- Mahuli, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mrs.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Baheri P.S. Case No. 280 of 2020 registered for the alleged offences under Sections 30(a) and 41 of the Bihar Prohibition And Excise Amendment Act, 2016.

As per prosecution case, 1809 liters of India made foreign liquor was recovered from the truck and co-accused driver Nunu Kumar @ Jilendra was apprehended from the spot. The petitioner is stated to be the the owner of the truck.

Learned counsel for the petitioner submits that the

petitioner has no knowledge about the consignment. He was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is neither the driver nor the person who has sent the consignment. Even the co-accused driver has not named this petitioner. Learned counsel further submits that probably the driver booked the consignment on his own and without knowledge of the petitioner he was carrying the consignment in which the liquor was concealed. Furthermore, it has been mentioned in the FIR itself the names of the cosigner and consignee. Learned counsel further submits that the charge sheet has been submitted in this case and the petitioner is in custody since 28.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that huge quantity of liquor has been recovered from the truck of this petitioner.

Having regard to the submissions made hereinabove and especially on behalf of the petitioner and considering the fact that charge sheet has been submitted in this case and further considering the custody of the petitioner since 28.08.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd

Additional Sessions Judge-Cum-Special Judge(Excise),
Darbhanga in connection with Baheri P.S. Case No. 280 of
2020, subject to the conditions mentioned in Section 437(3) of
the Code of Criminal Procedure and also the following
conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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