

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14302 of 2022

Arising Out of PS. Case No.-893 Year-2021 Thana- SITAMARHI District- Sitamarhi

Mukesh Kumar Son Of Bhola Prasad @ Bhola Singh Resident Of Village -
Court Bazar, Brahamsthan Ward no.7, P.s. and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat,APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State

through video conferencing.

Petitioner seeks bail in a case registered in
connection with Sitamarhi P.S.Case No. 893 of 2021 for
the offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the
police on secret information intercepted a tempo loaded
with cartoons and on search being made altogether 176.940
liters country made foreign liquor has been recovered. It is
further alleged that the petitioner was the driver of the said
tempo, who disclosed the name of consignor.



It is submitted by the learned counsel for the petitioner that the petitioner was neither arrested from the tempo nor any incriminating material has been recovered from his possession and moreover, the petitioner being the driver of the said tempo, in question was not even aware as to what was packed in the cartoons as he being driver was only carrying the same on rent. It is next submitted that petitioner is in custody since 08.11.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that name of the petitioner was arrested along with the tempo driver from where recovery has been made.

Having heard the rival contentions of the parties and taking into consideration the fact that nothing has been recovered from the conscious possession of the petitioner and furthermore, he being driver of the tempo was not even aware as to what was loaded by the consignor in cartoons and moreover, he is in custody since 08.11.2021, having clean antecedent, apart from the fact that investigation has already been completed and charge sheet has been submitted and keeping the petitioner behind the bar for a



further period would serve no purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise Sitamarhi in connection with Sitamarhi P.S.Case No. 893 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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