

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13317 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

=====

Rajesh Kumar Gupta S/O Mahendra Prasad Gupta @ Mahendra Prasad R/o
village- Chaudhary Tola Ward No. 11 Rafiganj, P.S.- Rafiganj, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

For the Opposite Party/s : Mr. N.K. Nirala, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ajay Thakur, learned counsel for the
petitioner and Mr. N.K. Nirala, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Begusarai Excise Case No. 11 of 2022
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that the
Police, on a secret information, intercepted one six wheeler



container bearing registration no. HR55-S-2533. On search being made 2700 litres of Indian made foreign liquor was recovered. It is further alleged that the said vehicle was being driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is said to be a driver of the said vehicle, in fact, he was not even aware as to what was loaded therein by the consigner and he has nothing to do with the articles/materials, which was loaded in the said vehicle. It is further submitted that from the seizure list, it is evident that though the recovery has been made from a busy road but there is no independent witness to the seizure list. It is next submitted that the co-accused persons Chintu Kumar and Chandan Kumar, who were also apprehended along with the petitioner, they have already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 11245 of 2022 vide order dated 16.06.2022. A copy of which has been produced before this court and the same has been taken on record. It is lastly submitted that this petitioner is in custody since 21.01.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the recovery has been made from the six wheeler container, which was being driven by this petitioner and moreover, this petitioner has been found involved in six other criminal cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a driver and moreover, the persons, who were apprehended along with the petitioner, were sitting in the same cabin, they have already been granted bail by learned co-ordinate Bench of this Hon'ble Court, apart from that the petitioner is in custody since 21.01.2022 and investigation is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court no. 2, Begusarai in connection with Begusarai Excise Case No. 11 of 2022, subject to the condition that one of the bailors will be the close relative 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.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U			
---	--	--	--

