

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13446 of 2022**

Arising Out of PS. Case No.-654 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Nawada

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Rahul Kumar S/o Sri Ajay Rai Resident of Village- Sumerganj, P.S.- Patepur  
(Mahua), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate.  
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      08-07-2022              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. Vivek Kumar Sinha, learned counsel for  
the petitioner and Mr. Md. Mushtaque Alam, 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 Nawada G.O. Case No. 654 of 2021  
registered for the offences punishable under Sections 30 (a) and  
56 (b) of the Bihar Prohibition and Excise Act, 2016

As per the prosecution case, it is alleged that during  
the course of vehicle checking, a truck bearing registration no.



WB23-E-6015 was apprehended. On search being made 3294 litres country-made foreign liquor was recovered. The vehicle was said to be driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not the owner of the vehicle and he being driver was not even aware as to what was loaded on the truck by the consigner or the owner as the goods were kept in cartoons. It is next submitted that the petitioner having fair antecedent and in custody since 15.11.2021 and the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that huge quantity of illegal wine has been recovered from the truck.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is not the owner of the said vehicle and moreover, the petitioner being driver was not aware as to what was loaded in the said vehicle by its consigner and he is in custody since 15.11.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Excise Court no. 2, Nawada in connection with Nawada G.O. Case No. 654 of 2021, 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.

**(Harish Kumar, J)**

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