

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13201 of 2022

Arising Out of PS. Case No.-491 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Raju Das son of baijnath das resident of village - dhanha ward no.4, p.s.- Bela
and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Case No.
C2 491 of 2021 registered for the offence under Section 30(A)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.10.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 345 litres of illicit Nepali liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged vehicle having clean antecedent. It has further been submitted that nothing surfaced during course of the investigation, which may suggest that the petitioner was under knowledge of the consignment of illicit liquor. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is driver of the alleged vehicle involved in the occurrence.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery of the illicit liquor, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Case No. C2 491 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court- II, Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Bechu Das, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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