

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14080 of 2022

Arising Out of PS. Case No.-937 Year-2021 Thana- KHAGARIA District- Khagaria

Arun Kumar Son of Bhajanlal Resident of Village- Karanpur, Police Station-
Anushahar, District- Bulandshahar (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP.

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. Mrityunjay Kumar, learned counsel for the petitioner as well as 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 Khagaria (Muffasil) P. S. Case No. 937 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.



As per the prosecution case, it is alleged that on search being made 70 litres foreign liquor of different companies was recovered from a vehicle bearing registration no. WBO-2V-8257, which was found in the campus of Nagmani Singh. It is further alleged that the petitioner was said to be the driver of the said vehicle.

Learned counsel appearing on behalf of the petitioner submitted that as per the allegation made in the F.I.R., It is evident that the petitioner is a driver of the vehicle and he had no concern with the materials/articles, which was kept on the said vehicle by the owner of the vehicle. It is next submitted that the petitioner is neither the owner of the vehicle nor any concern with the alleged article. It is also submitted that though the recovery has been made from a busy place but there is no independent witness to the seizure list. It is next submitted that this petitioner is in custody since 28.11.2021 and the investigation of the crime is already completed and the charge-sheet has been submitted, apart from that the petitioner is a man of fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the vehicle, which was driven by this petitioner.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a driver and moreover, he is in custody since 28.11.2021, having fair antecedent, in as much as the investigation of the crime is already completed and the charge-sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose, 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 Special Judge Excise- 1st Khagaria in connection with Khagaria (Muffasil) P. S. Case No. 937 of 2021, subject to the condition that one of the bailors will be the local resident 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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