

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14174 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

Jassa Singh Son Of Baljit Singh R/O Village- Majhuke, P.S.- Bhador, District- Barnala, Panjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madan Kumar, 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 Benipatti P.S.Case No. 217 of 2021 for the offences punishable under Sections 272,273,120B of the Indian Penal Code and section 30(a), 41 of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that on secret information a truck near brick kiln of Basant Jha was seized and on search being made total 229.5 liters liquor was recovered. It is further alleged that petitioner is said to be owner of the said truck and he was arrested at the spot.



It is submitted by the learned counsel for the petitioner that petitioner had been carrying brick while recovery has been made from other vehicles and places but because of simultaneous reason the petitioner has been falsely implicated in this case. It is next submitted that recovery has been made from a truck which was being run on rent and as such petitioner was not even aware as to what material were being loaded by the driver or the consignor in the said truck. It is next submitted that petitioner is in custody since 01.10.2021 having clean antecedent, so far the driver of the said truck is concerned, he has already been granted bail by a Bench of this Court in Cr. Misc. No. 67660 of 2021 vide order dated 27.04.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that nothing has been recovered from persons or possession of the petitioner, moreover, he is in custody since 01.10.2021, 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 Special Judge Excise Court-II, Madhubani in connection with Benipatti P.S.Case No. 217 of 2021 subject to the condition as follows;-

(i) one of the bailors will be the close relatives of the petitioner.

(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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