

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14069 of 2022

Arising Out of PS. Case No.-472 Year-2021 Thana- MASHRAK District- Saran

Rahul Kumar Yadav son of Mangal Prasad Yadav, resident of Village- Pipra Khas, P. S. Mirganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate.

For the Opposite Party/s : Mr. Sangeeta Sharma, 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. Vasant Vikas, 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 Mashrakh P. S. Case No. 472 of 2021 registered for the offences punishable under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that during the course of raid, the police party intercepted a white coloured Bolero car. On search being made 202.32 litres country-made



liquor has been recovered. The petitioner is said to be a driver of the aforesaid vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner being a driver of the vehicle was not even aware as to what was loaded in the said vehicle by his owner or the consigner, as the vehicle was being run on fare. It is further submitted that he has no concern with the loaded recovered articles. It is next submitted that the petitioner is in custody since 15.09.2021, having fair antecedent and the investigation of the crime is already completed and the charge-sheet has been submitted.

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 being driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be driver of the vehicle, which was being run on fare in as much as, this petitioner is in custody since 15.09.2021 and moreover, 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 court of 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Mashrakh P. S. Case No. 472 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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