

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14826 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- JAMHOR District- Aurangabad

NILAY PANDEY Son of Awadhesh Pandey Resident of village - Ghataro,
P.S.- Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Jamhore Police Station Case No. 19 of 2022, registered for the
offences punishable under Sections 30 (a)/37 (b) (c) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that 19.515 litres of illicit liquor has been recovered
from one piaggio tempo, which was being driven by the
petitioner and the petitioner was also found to have consumed
liquor.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that the petitioner is the driver of the tempo, which is a commercial vehicle, and he was plying the same on hire basis and was not aware about the illicit liquor being kept inside the tempo in the bags of urea. He further submits that the petitioner is in custody since 27.01.2022, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is the driver of the tempo, charge sheet has already been submitted and the petitioner is in custody since 27.01.2022, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge -cum- Special Judge, Excise, Aurangabad, in connection with Jamhore



Police Station Case No. 19 of 2022.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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