

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17945 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Sabne Alam Son of Babu Khan Resident of Village - Saina (Simmauli), P.S.-
Simmauli, District - Tapur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arvind Kumar Pandey, (App.84)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Durgawati P.S. Case No. 208 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition Act and Excise Act, 2016.

Allegedly, from the truck driven by this petitioner, 2147.760 litres of India made foreign liquor was recovered. The petitioner was apprehended and the truck and the illicit liquor was seized.

The learned counsel for the petitioner submits that the



petitioner has nothing to do with the seized liquor and he is merely a driver and has got no information about the consignment. This fact is apparent from the FIR itself wherein the name of the owner of the truck along with some other persons have been mentioned who directed the petitioner to take the truck and bring it to Muzaffarpur. The charge-sheet has been submitted and the petitioner is in custody since 12.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioner has been apprehended from the spot and from the truck huge quantity of liquor has been seized.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-cum-Additional Sessions Judge-II, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 208 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) The petitioner will not indulge in similar type of offences in future.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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