

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20574 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Aman Kumar, Son Of Dinesh Yadav, R/O Village- Kyamchak Bhojpatti Ward
No.-10, P.S.- Kewti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 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 G.O. No. 261 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the recovery of total 229 litres of Nepali country made liquor was made from the vehicle of the petitioner who is stated to be the driver of the said vehicle.



The learned counsel for the petitioner submits that noting incriminating has been recovered from the possession of this petitioner. The petitioner is merely a driver of the vehicle and he has no knowledge about the liquor which had been loaded by the passengers of the said vehicle. Charge-sheet has been submitted and the petitioner is in custody since 03.09.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner has got clean antecedent and further considering the submission of charge-sheet along with 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.O. No. 261 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit on behalf of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on 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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