

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21230 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- RIGA District- Sitamarhi

Sudhakar Kumar, Son of Basudeo Sah, Resident of village- Runnisaidpur,
Ward No.- 6, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Riga P.S. Case No. 74 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police intercepted a Tempo and on search being made 63 litres of Nepali Saufi liquor was recovered. The petitioner is said to be the driver of the said Tempo.

It is submitted by the learned counsel appearing on



behalf of the petitioner that in fact the petitioner being the driver of the Tempo was not even aware as to what was loaded by the consigner or being carried by the commuters. It is next submitted that the alleged recovery has been made from the Tempo, which was being run on fare, apart from the fact that this petitioner is in custody since 04.03.2022 having clean antecedent, moreover 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 alleged recovery has been made from the Tempo of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is the driver of the Tempo and he is in custody since 04.03.2022 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, named above, 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 Exclusive Special Excise Court No.-I, Sitamarhi in connection with Riga P.S. Case No. 74 of 2022



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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