

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21222 of 2022**

Arising Out of PS. Case No.-38 Year-2022 Thana- DORIGANJ District- Saran

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Srikant Kushwaha, S/o Shankar Prasad, R/o Mohalla- Chhota Telpa, P.S.-  
Chapra Town, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate  
For the Opposite Party/s : Mr. Surendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      25-07-2022              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. Manish Chandra Gandhi, learned counsel  
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Doriganj P.S. Case No. 38 of 2022 for the  
offences punishable under Sections 30(a), 32(2)(3), 41, 47 of the  
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that while the  
police was on patrolling duty, intercepted one Bolero vehicle  
and on search being made total 432 litres of country made liquor  
was recovered. The police apprehended this petitioner, who is  
said to be the driver of the vehicle.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the petitioner, being the driver of the Bolero vehicle, was not aware as to what was loaded in the vehicle by the owner/consigner of the vehicle, as the vehicle was being run on fare/rent. It is further submitted that there are various infirmities in preparation of seizure list and moreover the petitioner is neither the owner of the vehicle nor the consigner of the recovered illicit liquor. It is next submitted that this petitioner is in custody since 24.01.2022 having clean antecedent, though 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 Bolero vehicle, which was being driven by the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was the driver of the vehicle and he is in custody since 24.01.2022, moreover the investigation of the crime is already completed and charge-sheet has been submitted in this case and there is no likelihood of commencement of trial in near future, 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 1<sup>st</sup> Exclusive Special Judge, Excise Act, Saran in connection with Doriganj P.S. Case No. 38 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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